



Vehicles (Crime) Act 2001

2001 CHAPTER 3

PART 1

REGULATION OF MOTOR SALVAGE OPERATORS

General

13 Application of “fit and proper” test to companies etc.

- (1) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a company is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any director of the company is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.
- (2) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a limited liability partnership is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any member of the partnership is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.

14 Proceedings for offences under Part 1

Proceedings for an offence under this Part shall not be instituted except—

- (a) by a local authority or a constable; or
- (b) in any other case, with the consent of the Attorney General.

15 Power to amend or repeal private or local Acts

- (1) The Secretary of State may by order amend or repeal any provision of a private or local Act passed before or in the same session as this Act, if it appears to him necessary or expedient to do so in consequence of this Part.

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- (2) Before exercising his power under subsection (1) in relation to any Act which concerns the area of a local authority or county council, the Secretary of State shall consult the local authority or county council concerned.

16 Interpretation of Part 1

- (1) In this Part, unless the context otherwise requires—
- “carrying on business as a motor salvage operator” has the meaning given by section 1(2);
 - “contravene”, in relation to any provision of regulations, includes fail to comply with it;
 - “motor salvage yard” means any premises where any motor vehicles are received or kept in the course of the carrying on of business as a motor salvage operator so far as the business consists of any of the activities mentioned in section 1(2) (excluding any premises where only salvageable parts of motor vehicles are so received or kept);
 - “motor vehicle” means any vehicle whose function is or was to be used on roads as a mechanically propelled vehicle;
 - “notice” means notice in writing;
 - “premises” includes any land or other place (whether or not enclosed);
 - “prescribed” means prescribed by regulations made by the Secretary of State;
 - “a register” means a register established and maintained under section 2;
 - “registered” (and cognate expressions) have the meaning given by section 1(3);
 - “road” means any highway and any other road to which the public has access; and
 - “written-off motor vehicle” means a motor vehicle which is in need of substantial repair but in relation to which a decision has been made not to carry out the repairs.
- (2) The reference in section 5(5) to representations being made in writing includes a reference to representations being made in a text which—
- (a) is transmitted by means of a telecommunication system (within the meaning of the [Telecommunications Act 1984 \(c. 12\)](#)) or by other means but while in an electronic form;
 - (b) is received in legible form; and
 - (c) is capable of being used for subsequent reference.
- (3) In this Part “local authority” means—
- (a) in relation to England—
 - (i) a unitary authority;
 - (ii) a district council so far as they are not a unitary authority;
 - (b) in relation to Wales, a county council or a county borough council.
- (4) In subsection (3) “unitary authority” means—
- (a) the council of a county so far as they are the council for an area for which there are no district councils;
 - (b) the council of any district comprised in an area for which there is no county council;

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- (c) a London borough council;
 - (d) the Common Council of the City of London in its capacity as a local authority;
 - (e) the Council of the Isles of Scilly.
- (5) For the purposes of this Part a person carrying on business as a motor salvage operator shall be treated as carrying on that business in the area of a local authority if, but only if—
- (a) premises in that area are occupied by him as a motor salvage yard;
 - (b) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but he has his usual place of residence in that area; or
 - (c) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but premises in that area are occupied by him wholly or partly for the purposes of that business so far as it consists of any of the activities mentioned in section 1(2).
- (6) Subsection (5) shall have effect, in relation to any person who carries on business as a motor salvage operator in partnership with another person, as if any reference to the occupation of a place (whether as a motor salvage yard or otherwise) by a person were a reference to the occupation of that place for the purposes of the partnership by that person, alone or jointly with a member of the partnership, or by another member of the partnership alone.
- (7) References in this Part to offences under this Part include references to anything which is an offence by virtue of section 7(3) and (4) or 8(2) and (3).
- (8) References in this Part to an appeal under section 6 being finally determined or withdrawn include references to the final determination or withdrawal of proceedings by way of case stated which relate to a decision by a magistrates' court on an appeal under that section.