



# Scrap Metal Dealers Act 2013

## 2013 CHAPTER 10

### *Supplementary*

#### **16 Right to enter and inspect**

- (1) A constable or an officer of a local authority may enter and inspect a licensed site at any reasonable time on notice to the site manager.
- (2) A constable or an officer of a local authority may enter and inspect a licensed site at any reasonable time, otherwise than on notice to the site manager, if—
  - (a) reasonable attempts to give such notice have been made and have failed, or
  - (b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of this Act are being complied with or investigating offences under it and (in either case) the giving of notice would defeat that purpose.
- (3) Subsections (1) and (2) do not apply to residential premises.
- (4) A constable or an officer of a local authority is not entitled to use force to enter premises in the exercise of the powers under subsections (1) and (2).
- (5) A justice of the peace may issue a warrant authorising entry (in accordance with subsection (7)) to any premises within subsection (6) if the justice is satisfied by information on oath that there are reasonable grounds for believing that entry to the premises is reasonably required for the purpose of—
  - (a) securing compliance with the provisions of this Act, or
  - (b) ascertaining whether those provisions are being complied with.
- (6) Premises are within this subsection if—
  - (a) the premises are a licensed site, or
  - (b) the premises are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.
- (7) The warrant is a warrant signed by the justice which—
  - (a) specifies the premises concerned, and

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*Status: This is the original version (as it was originally enacted).*

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- (b) authorises a constable or an officer of a local authority to enter and inspect the premises at any time within one month from the date of the warrant.
- (8) A constable or an officer of a local authority may, if necessary, use reasonable force in the exercise of the powers under a warrant under subsection (5).
- (9) A constable or an officer of a local authority may—
- (a) require production of, and inspect, any scrap metal kept at any premises mentioned in subsection (1) or (2) or in a warrant under subsection (5);
  - (b) require production of, and inspect, any records kept in accordance with section 13 or 14 and any other records relating to payment for scrap metal;
  - (c) take copies of or extracts from any such records.
- (10) Subsection (11) applies if a constable or an officer of a local authority (“the officer”) seeks to exercise powers under this section in relation to any premises.
- (11) If the owner, occupier or other person in charge of the premises requires the officer to produce—
- (a) evidence of the officer’s identity, or
  - (b) evidence of the officer’s authority to exercise those powers,
- the officer must produce that evidence.
- (12) In the case of an officer of a local authority, the powers under this section are exercisable only in relation to premises in the area of the authority.
- (13) A person who—
- (a) obstructs the exercise of a right of entry or inspection under this section, or
  - (b) fails to produce a record required to be produced under this section,
- is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.