



# Scrap Metal Dealers Act 2013

## 2013 CHAPTER 10

### *Licensing of scrap metal dealers*

#### **3 Issue of licence**

- (1) A local authority must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.
- (2) In determining whether the applicant is a suitable person, the authority may have regard to any information which it considers to be relevant, including in particular—
  - (a) whether the applicant or any site manager has been convicted of any relevant offence;
  - (b) whether the applicant or any site manager has been the subject of any relevant enforcement action;
  - (c) any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
  - (d) any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
  - (e) any previous revocation of a scrap metal licence (and the reasons for the revocation);
  - (f) whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.
- (3) In this section—
  - (a) “site manager” means an individual proposed to be named in the licence as a site manager,
  - (b) “relevant offence” means an offence which is prescribed for the purposes of this section in regulations made by the Secretary of State, and
  - (c) “relevant enforcement action” means enforcement action which is so prescribed.
- (4) In determining whether a company is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether any of the following is a suitable person—

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*Changes to legislation: There are currently no known outstanding effects for the Scrap Metal Dealers Act 2013, Section 3. (See end of Document for details)*

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- (a) any director of the company;
  - (b) any secretary of the company;
  - (c) any shadow director of the company (that is to say, any person in accordance with whose directions or instructions the directors of the company are accustomed to act).
- (5) In determining whether a partnership is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether each of the partners is a suitable person.
- (6) The authority must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State.
- (7) The authority may consult other persons regarding the suitability of an applicant, including in particular—
- (a) any other local authority;
  - (b) the Environment Agency;
  - (c) the Natural Resources Body for Wales;
  - (d) an officer of a police force.
- (8) If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions—
- (a) that the dealer must not receive scrap metal except between 9 a.m. and 5 p.m. on any day;
  - (b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- (9) “Specified” means specified in the condition.

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**Commencement Information**

**II** S. 3 in force at 1.10.2013 by S.I. 2013/1966, art. 3(c)

**Changes to legislation:**

There are currently no known outstanding effects for the Scrap Metal Dealers Act 2013, Section 3.