
STATUTORY INSTRUMENTS

2013 No. 1966

**The Scrap Metal Dealers Act 2013 (Commencement
and Transitional Provisions) Order 2013**

Transitional provisions

5.—(1) A scrap metal dealer who, immediately before 1st October 2013, was registered under either section 1 of the Scrap Metal Dealers Act 1964⁽¹⁾ or section 1 of the Vehicles (Crime) Act 2001⁽²⁾ shall be deemed to be authorised by a licence under section 1 of the 2013 Act, and references in this article to a “deemed licence” shall be construed accordingly.

(2) Subject to paragraphs (3) and (5), a deemed licence has effect from 1st October 2013 until the local authority to whom he applies for a licence either issues him with a licence or gives him a notice of the decision to refuse him a licence.

(3) If a scrap metal dealer who was so previously registered fails to submit an application for a licence on or before 15th October 2013, his deemed licence will lapse on 16th October 2013.

(4) The lapsing of the deemed licence on 16th October 2013 shall not be treated as a revocation of the deemed licence, and does not give rise to a right of appeal under paragraph 9(2)(b) of Schedule 1 to the 2013 Act.

(5) Where a scrap metal dealer who was so previously registered applies for a licence on or before 15th October, and the local authority refuses his application for a licence, this refusal shall only come into effect when no appeal under paragraph 9 of Schedule 1 to the 2013 Act is possible in relation to the refusal, or when any such appeal is finally determined or withdrawn.

(6) Pending an appeal against the refusal of an application for a licence, if the authority considers that the deemed licence should not continue in force without conditions, it may, by notice, provide that until the refusal comes into effect, the deemed licence is subject to one or both of the conditions set out in section 3(8) of the 2013 Act.

(7) The obligations of the Environment Agency and Natural Resources Body for Wales in section 7(1) to (3) of the 2013 Act (register of licences) do not apply in relation to deemed licences.

(8) The obligations in section 10 (display of licence) do not apply to deemed licences.

(1) 1964 c.69.

(2) 2001 c.3.