



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

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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.

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**Commencement Information**

**II** S. 16 in force at 1.10.2013 by S.I. 2013/1966, art. 3(o)

**17 Offences by bodies corporate**

- (1) Where an offence under this Act is committed by a body corporate and is proved—
  - (a) to have been committed with the consent or connivance of a director, manager, secretary or other similar officer, or
  - (b) to be attributable to any neglect on the part of any such individual,
 the individual as well as the body corporate is guilty of the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and omissions of a member in connection with that management as if the member were a director of the body corporate.

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**Commencement Information**

**I2** S. 17 in force at 1.10.2013 by S.I. 2013/1966, art. 3(p)

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## 18 Review of Act

- (1) Before the end of 5 years beginning with the day on which section 1 comes into force, the Secretary of State must—
  - (a) carry out a review of this Act, and
  - (b) publish a report of the conclusions of the review.
- (2) The report must in particular—
  - (a) set out the objectives intended to be achieved by this Act,
  - (b) assess the extent to which those objectives have been achieved, and
  - (c) assess whether it is appropriate to retain or repeal the Act or any of its provisions in order to achieve those objectives.

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### Commencement Information

**I3** S. 18 in force at 1.10.2013 by S.I. 2013/1966, art. 3(q)

## 19 Consequential amendments

- (1) The following are repealed—
  - (a) the Scrap Metal Dealers Act 1964;
  - (b) paragraph 6 of Schedule 9 to the Local Government (Wales) Act 1994;
  - (c) paragraph 1 of Schedule 3 to the Vehicle Excise and Registration Act 1994;
  - (d) in the Vehicles (Crime) Act 2001—
    - (i) Part 1,
    - (ii) section 35, and
    - (iii) paragraphs 1 and 2 of the Schedule;
  - (e) in paragraph 168 of Schedule 17 to the Communications Act 2003, “16(2)(a),”;
  - (f) sections 145 to 147 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.
- (2) In Schedule 3 to the Regulatory Enforcement and Sanctions Act 2008 (enactments specified for the purposes of Part 1 of that Act), for “Scrap Metal Dealers Act 1964 (c. 69)” substitute “Scrap Metal Dealers Act 2013”.

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### Commencement Information

**I4** S. 19 in force at 1.10.2013 by S.I. 2013/1966, art. 3(r) (with art. 5)

## 20 Orders and regulations

- (1) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing an order or regulations under this Act, other than an order under section 12(2), 21(8) or 23(2), is subject to annulment in pursuance of a resolution of either House of Parliament.

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- (3) A statutory instrument containing an order under section 12(2) or 21(8) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (4) Any power to make an order or regulations under this Act—
  - (a) may be exercised so as to make different provision for different purposes;
  - (b) includes power to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Secretary of State considers appropriate.

## **21 “Carrying on business as a scrap metal dealer” and “scrap metal”**

- (1) The following provisions apply for the purposes of this Act.
- (2) A person carries on business as a scrap metal dealer if the person—
  - (a) carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
  - (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).
- (3) For the purposes of subsection (2)(a), a person who manufactures articles is not to be regarded as selling scrap metal if that person sells scrap metal only as a by-product of manufacturing articles or as surplus materials not required for manufacturing them.
- (4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists—
  - (a) wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
  - (b) wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
  - (c) wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
  - (d) wholly or mainly in activities falling within paragraphs (b) and (c).
- (5) “Scrap metal dealer” means a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.
- (6) “Scrap metal” includes—
  - (a) any old, waste or discarded metal or metallic material, and
  - (b) any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.
- (7) But the following are not scrap metal—
  - (a) gold,
  - (b) silver, and
  - (c) any alloy of which 2 per cent or more by weight is attributable to gold or silver.
- (8) The Secretary of State may by order amend the definition of “scrap metal” for the purposes of this Act (whether by amending subsection (6) or (7) or otherwise).

**Commencement Information**

**I5** S. 21 in force at 1.10.2013 by S.I. 2013/1966, art. 3(s)

## 22 Other definitions

- (1) The following provisions apply for the purposes of this Act.
- (2) “Licensed site” means a site identified in a scrap metal licence.
- (3) “Local authority” means—
  - (a) in relation to England, the council of a district, the Common Council of the City of London or the council of a London borough;
  - (b) in relation to Wales, the council of a county or a county borough.
- (4) “Mobile collector” means a person who—
  - (a) carries on business as a scrap metal dealer otherwise than at a site, and
  - (b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door.
- (5) “Officer of a police force” includes a constable of the British Transport Police Force.
- (6) “Premises” includes any land or other place (whether enclosed or not).
- (7) “Relevant environmental permit or registration”, in relation to an application made to a local authority, means—
  - (a) any environmental permit under regulation 13 of [<sup>F1</sup>the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154)] authorising any operation by the applicant in the local authority's area;
  - (b) any registration of the applicant under Schedule 2 to those Regulations in relation to an exempt waste operation (within the meaning of regulation 5 of those Regulations) carried on in that area;
  - (c) any registration of the applicant under Part 8 of the Waste (England and Wales) Regulations 2011 (S.I. 2011/988) (carriers, brokers and dealers of controlled waste).
- (8) “Relevant offence” and “relevant enforcement action” have the meaning given by section 3(3).
- (9) “Site” means any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there).
- (10) “Site manager”, in relation to a site at which a scrap metal dealer carries on business, means the individual who exercises day-to-day control and management of activities at the site.
- (11) An individual may be named in a licence as site manager at more than one site; but no site may have more than one site manager named in relation to it.
- (12) “Trading name” means a name, other than that stated in the licence under section 2(4) (a) or (6)(a), under which a licensee carries on business as a scrap metal dealer.

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

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#### Textual Amendments

- F1** Words in s. 22(7)(a) substituted (1.1.2017) by [The Environmental Permitting \(England and Wales\) Regulations 2016 \(S.I. 2016/1154\)](#), reg. 1(1), **Sch. 29 para. 19** (with regs. 1(3), 77-79, Sch. 4)

#### Commencement Information

- I6** S. 22 in force at 1.10.2013 by [S.I. 2013/1966](#), **art. 3(t)**

### 23 Extent, commencement and short title

- (1) This Act extends to England and Wales.
- (2) The provisions of this Act, except section 20 and this section, come into force on such day as the Secretary of State may appoint by order.
- (3) Different days may be appointed for different purposes.
- (4) This Act may be cited as the Scrap Metal Dealers Act 2013.

**Changes to legislation:**

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Heading: Supplementary.