



Scrap Metal Dealers Act 1964

1964 CHAPTER 69

1 Registration of scrap metal dealers

- (1) Every local authority shall maintain a register of persons carrying on business in their area as scrap metal dealers; and, after the expiration of three months beginning with the commencement of this Act, no person shall carry on business as a scrap metal dealer in the area of a local authority unless the appropriate particulars relating to him are for the time being entered in the register maintained by the authority under this section.
- (2) For the purposes of this section a person carrying on business as a scrap metal dealer shall be treated as carrying on that business in the area of a local authority if, but only if,—
 - (a) a place in that area is occupied by him as a scrap metal store, or
 - (b) no place is occupied by him as a scrap metal store, whether in that area or elsewhere, but he has his usual place of residence in that area, or
 - (c) no place is occupied by him as a scrap metal store, whether in that area or elsewhere, but a place in that area is occupied by him wholly or partly for the purposes of that business
- (3) Any person at the commencement of this Act carrying on, or thereafter proposing to carry on, business as a scrap metal dealer in the area of a local authority may apply to the authority, on furnishing the authority in writing with the appropriate particulars relating to him, or, as the case may be, with what would be the appropriate particulars relating to him if he were then carrying on the business, to enter those particulars in the register maintained by the authority under this section; and where such an application is made, the local authority shall thereupon enter those particulars relating to the applicant in the register.
- (4) For the purposes of this section the appropriate particulars relating to a scrap metal dealer, in relation to the area of a local authority, are—
 - (a) the full name of the dealer;
 - (b) the address—
 - (i) if the dealer is an individual, of his usual place of residence;
 - (ii) if the dealer is a body corporate, of its registered or principal office ;

Status: This is the original version (as it was originally enacted).

- (c) the address of each place in the area (if any) which is occupied by the dealer as a scrap metal store ;
 - (d) if the business is carried on in the circumstances mentioned in subsection (2) (b) of this section, the fact that the business is so carried on;
 - (e) if the business is carried on in the circumstances mentioned in subsection (2) (c) of this section, the fact that the business is so carried on, and the address of the place which is occupied by the dealer as mentioned in that paragraph.
- (5) Where the appropriate particulars relating to a scrap metal dealer are for the time being entered in the register maintained by a local authority under this section,—
- (a) if any event occurs which involves an alteration of those particulars, the dealer shall give notice of the alteration to the local authority and the authority shall thereupon amend the register accordingly;
 - (b) if the dealer ceases to carry on business as a scrap metal dealer in the area of the local authority, he shall give notice of that fact to the authority and the authority shall thereupon cancel the entry relating to him in the register;
- and any notice required to be given to a local authority under this subsection shall be given within the period of twenty-eight days beginning with the day on which the event in question occurs.
- (6) The entry of the appropriate particulars relating to a scrap metal dealer in the register maintained by a local authority under this section shall include a note of the day on which the entry is made ; and—
- (a) any such entry shall be cancelled by the authority at the end of the period of three years beginning with the said day, unless before the end of that period the dealer applies to the authority for the registration to be continued for a further period of three years, and
 - (b) where such an application has been made, the preceding paragraph shall apply, with respect to each successive period of three years, as if the reference in the paragraph to the said day were a reference to the day as from which the registration was last continued under that paragraph.
- (7) Any person who carries on business as a scrap metal dealer in contravention of subsection (1) of this section, or who fails to comply with the requirements of subsection (5) of this section as to the notice specified in paragraph (a) thereof, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding £100.
- (8) Any person who fails to comply with the requirements of subsection (5) of this section as to the notice specified in paragraph (b) thereof shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10.
- (9) It shall be the duty of every local authority to enforce the preceding provisions of this section with respect to persons carrying on business as scrap metal dealers in their area.
- (10) In relation to the carrying on of business as a scrap metal dealer by a local authority in their area, this section shall apply with the modifications that the following provisions, that is to say, subsection (3), subsection (6)(a) and (b), and subsection (8) shall be omitted, and for subsection (5) there shall be substituted the following subsection:—
- “(5) Where the appropriate particulars relating to a local authority who are carrying on business as a scrap metal dealer are for the time being entered in the register maintained by that local authority under this section,—
- (a) if any event occurs which involves the alteration of those particulars, the authority shall thereupon amend the register;

- (b) if the local authority cease to carry on business as a scrap metal dealer in their area, they shall thereupon cancel the entry relating to them in the register.”

2 Records of dealings

- (1) Subject to the provisions of this and the next following section, every scrap metal dealer shall, at each place occupied by him as a scrap metal store, keep a book for the purposes of this section, and shall enter in the book the particulars required by this section with respect to—

- (a) all scrap metal received at that place, and
- (b) all scrap metal either processed at, or despatched from, that place:

Provided that at any such place a scrap metal dealer may at his option keep two books for the purposes of this section, one for recording the said particulars with respect to scrap metal falling within paragraph (a) of this subsection and the other for recording the said particulars with respect to scrap metal falling within paragraph (b) thereof, but shall not at any one place and at any one time have in use, for the purposes of this section, more than one book for recording the said particulars with respect to scrap metal falling within each of those paragraphs.

- (2) The said particulars, in the case of scrap metal falling within paragraph (a) of the preceding subsection, are—

- (a) the description and weight of the scrap metal;
- (b) the date and time of (the receipt of the scrap metal);
- (c) if the scrap metal is received from another person, the full name and address of that person ;
- (d) the price, if any, payable in respect of the receipt of the scrap metal, if that price has been ascertained at the time when the entry in the book relating to that scrap metal is to be made ;
- (e) where the last preceding paragraph does not apply, the value of the scrap metal at the time when the entry is to be made as estimated by the dealer;
- (f) in the case of scrap metal delivered at the place in question by means of a mechanically propelled vehicle bearing a registration mark (whether the vehicle belongs to the dealer or not), the registration mark borne by the vehicle.

- (3) The said particulars, in the case of scrap metal falling within subsection (1)(b) of this section, are—

- (a) the description and weight of the scrap metal;
- (b) the date of processing or, as the case may be, despatch of the scrap metal, and, if processed, the process applied;
- (c) in the case of scrap metal despatched on sale or exchange, the full name and address of the person to whom the scrap metal is sold or with whom it is exchanged, and the consideration for which it is sold or exchanged;
- (d) in the case of scrap metal processed or despatched otherwise than on sale or exchange, the value of the scrap metal immediately before its processing or dispatch as estimated by the dealer.

- (4) Any particulars required to be entered in a book by virtue of the preceding provisions of this section, in respect of scrap metal falling within subsection (1)(a) of this section, shall be so entered immediately after the receipt of the scrap metal at the place in

question ; and any particulars so required to be entered, in respect of scrap metal falling within subsection (1)(b) of this section, shall be so entered immediately after the processing or despatch.

- (5) Any book kept by a person in pursuance of subsection (1) of this section shall be a bound book kept exclusively for the purposes of this section and shall be retained by him until the end of the period of two years beginning with the day on which the last entry was made in the book.
- (6) Any person who fails to comply with any of the requirements imposed on him by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (7) In this section " processing ", in relation to scrap metal, includes melting down and any other process whereby the material ceases to be scrap metal, but does not include dismantling or breaking up, and " processed " shall be construed accordingly.

3 Special provisions as to records in certain cases

- (1) Where a person, who is registered by a local authority under this Act as a scrap metal dealer, satisfies the authority that he carries on, or proposes to carry on, the business of a scrap metal dealer as part of the business of an itinerant collector, and not otherwise, the authority may make an order directing that, while the order remains in force, he shall be exempt from the requirements of the last preceding section, but instead shall be subject to the following requirements, that is to say,—
 - (a) that, on the sale by him of any scrap metal, he shall obtain from the purchaser a receipt showing the weight of the scrap metal comprised in the sale and the aggregate price at which it is sold; and
 - (b) that he shall keep every such receipt as he is required to obtain under the preceding paragraph, until the end of the period of two years beginning with the day on which the receipt is obtained, in such a way as to be able to produce it on demand to any person authorised, in accordance with the following provisions of this Act, to require its production.
- (2) A local authority shall not make an order under the preceding subsection except after consultation with the chief officer of police for the police area (or, if more than one, for every police area) in which the area of the local authority, or any part of their area, is comprised.
- (3) An order under subsection (1) of this section may be revoked at any time by the local authority by whom it was made.
- (4) Any person who fails to comply with any of the requirements imposed on him by virtue of the foregoing provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100.
- (5) Where a scrap metal dealer does not occupy any place as a scrap metal store, but for the time being no order under subsection (1) of this section is in force exempting him from the requirements of the last preceding section, the provisions of that section shall apply to him subject to the following modifications, that is to say,—
 - (a) any reference to keeping a book at each place occupied by the dealer as a scrap metal store shall be construed as a reference to keeping a book either at his usual place of residence or at any other place occupied by him wholly or partly for the purposes of his business as a scrap metal dealer ;

- (b) any reference to the receipt of scrap metal at a place shall be construed as a reference to the receipt of scrap metal for the purposes of that business;
 - (c) any reference to the processing of scrap metal at a place, or to the despatch of scrap metal from a place, shall be construed as a reference to the disposal of scrap metal in the course of that business;
 - (d) subsection (4) of that section shall be omitted, and any particulars required to be entered in a book by virtue of this subsection shall be so entered as soon as is practicable.
- (6) Where a scrap metal dealer occupies a place as a scrap metal store, but for the time being no order under subsection (1) of this section is in force exempting him from the requirements of the last preceding section, and any scrap metal is, for the purposes of his business as a scrap metal dealer, received otherwise than at a place so occupied by him and is disposed of in the course of that business without its being received at such a place, then—
- (a) the obligation imposed by subsection (1) of the last preceding section to enter particulars in a book or books shall extend to the entry, as soon as is practicable, of the like particulars with respect to that scrap metal as would be required by subsections (2) and (3) of the last preceding section if they were modified so that—
 - (i) any reference therein to the receipt of scrap metal at a place were construed as a reference to the receipt of scrap metal for the purposes of that business; and
 - (ii) any reference therein to the processing of scrap metal at a place or to the despatch of scrap metal from a place, were construed as a reference to the disposal of scrap metal in the course of that business;
 - (b) if the dealer occupies more than one place as a scrap metal store, the particulars required by virtue of the preceding paragraph shall be entered in the book or books kept by him under the last preceding section at such of the places so occupied by him as is the nearer, or, as the case may be, the nearest, to the place at which the scrap metal is received for the purposes aforesaid; and
 - (c) subsection (4) of the last preceding section shall not have effect in relation to the particulars so required.

4 Power for court to impose additional requirements on convicted dealers

- (1) Where a person—
- (a) is convicted of the offence of carrying on business as a scrap metal dealer in contravention of section 1(1) of this Act, or
 - (b) being a person for the time being registered under this Act as a scrap metal dealer, is convicted of an offence under section 2 of this Act, or is convicted of any offence which, in the opinion of the court convicting him, is an offence involving dishonesty,
- the court by which he is convicted may, if it thinks fit, make an order directing that, while the order is in force, he shall be subject to the requirements specified in the next following subsection, in addition to the requirements which apply to him under the preceding provisions of this Act.
- (2) The said requirements are that, at any place occupied by him as a scrap metal store,—
- (a) no scrap metal shall be received between the hours of six o'clock in the evening and eight o'clock in the morning;

- (b) all scrap metal received at that place shall be kept, in the form in which it is received there, for a period of not less than seventy-two hours beginning with the time when it is so received.
- (3) An order under subsection (1) of this section shall specify a period, not exceeding two years, for which the order (if not revoked) is to remain in force; and any such order may at any time, on the application of the person to whom the order relates, be revoked by the court by which the order was made.
- (4) If any requirement of an order under subsection (1) of this section is contravened, the person to whom the order relates shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 and the court by which he is convicted may, if it thinks fit, make in relation to him a further order under that subsection.

5 Other offences relating to scrap metal

- (1) If a scrap metal dealer acquires any scrap metal from a person apparently under the age of sixteen years, whether the scrap metal is offered by that person on his own behalf or on behalf of another person, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10:

Provided that, where a person is charged with an offence under this subsection, it shall be a defence to prove that the person from whom he acquired the scrap metal was in fact of or over the age of sixteen years.

- (2) Any person who, on selling scrap metal to a scrap metal dealer, gives the dealer a false name or false address shall be guilty of an offence and liable on summary conviction to a fine not exceeding £10.

6 Rights of entry and inspection

- (1) Subject to the provisions of this section, any constable shall have a right at all reasonable times—
 - (a) to enter and inspect any place for the time being entered in a register under section 1 of this Act as a place which is occupied by a scrap metal dealer as a scrap metal store, or as a place which is occupied by a scrap metal dealer wholly or partly for the purposes of his business;
 - (b) to require production of, and to inspect, any scrap metal kept at that place and any book which the dealer is required by this Act to keep at that place, or, as the case may be, any receipt which the dealer is required to keep as mentioned in section 3(1)(b) of this Act, and to take copies of or extracts from any such book or receipt.
- (2) Subject to the provisions of this section, if any officer of a local authority duly authorised in writing by the authority in that behalf has reasonable grounds for believing that a place in the area of the authority is being used as a scrap metal store, and that place is not for the time being entered in the register kept by the authority under section 1 of this Act as a place which is occupied as a scrap metal store, the officer shall have a right at any reasonable time, on producing (if required to do so) evidence of his authority, to enter that place for the purpose of ascertaining whether it is being used as a scrap metal store.
- (3) If a justice of the peace is satisfied by information on oath that admission to a place specified in the information is reasonably required in order to secure compliance with

the provisions of this Act, or to ascertain whether those provisions are being complied with, he may by warrant under his hand authorise a person having a right of entry to that place in accordance with the preceding provisions of this section to enter that place at any time within one month from the date of the warrant, if need be by force.

- (4) Except under the authority of a warrant granted under the last preceding subsection, no person shall be entitled by virtue of this section to enter any place by force.
- (5) Any person who obstructs the exercise of any right of entry or inspection conferred by this section, or who fails to produce any book or other document which a person has a right to inspect thereunder, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20.

7 Partnerships

- (1) In relation to any person who carries on, or proposes to carry on, the business of a scrap metal dealer in partnership with any other person,—
 - (a) this Act shall have effect as if any reference to the occupation of a place by a person as a scrap metal store 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 ; and
 - (b) the particulars which that person is required by section 1(3) of this Act to furnish shall include, in addition to those specified in section 1(4) of this Act, the name under which the partnership is carried on, the name and place of residence of each other member of the partnership who is an individual and the name and registered or principal office of each other member of the partnership who is a body corporate.
- (2) Where a place is occupied as a scrap metal store for the purposes of a business carried on in partnership, there shall not be kept at that place in compliance with section 2(1) of this Act more than one book, or, in accordance with the proviso to the said section 2(1), two books, and the requirements imposed on a person by that section in respect of that place shall, if complied with by a partner, be taken to be complied with by that person.

8 Financial provisions

Any increase attributable to the provisions of this Act in the sums payable out of moneys provided by Parliament by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland shall be defrayed out of moneys so provided.

9 Interpretation

- (1) For the purposes of this Act a person carries on business as a scrap metal dealer if he carries on a business which consists wholly or partly of buying and selling scrap metal, whether the scrap metal sold is in the form in which it was bought or otherwise, other than a business in the course of which scrap metal is not bought except as materials for the manufacture of other articles and is not sold except as a by-product of such manufacture or as surplus materials bought but not required for such manufacture; and " scrap metal dealer" (where that expression is used in this Act otherwise than in a reference to carrying on business as a scrap metal dealer) means a person who (in accordance with the preceding provisions of this subsection) carries on business as a scrap metal dealer.

- (2) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
- " article " includes any part of an article ;
 - " itinerant collector " means a person regularly engaged in collecting waste materials, and old, broken, worn out or defaced articles, by means of visits from house to house;
 - " local authority " means the council of a county borough or county district, the Common Council of the City of London or the council of a London borough;
 - " magistrates' court " has the same meaning as in the Magistrates' Courts Act 1952;
 - " place " includes any land, whether consisting of enclosed premises or not;
 - " scrap metal " includes any old metal, and any broken, worn out, defaced or partly manufactured articles made wholly or partly of metal, and any metallic wastes, and also includes old, broken, worn out or defaced tooltips or dies made of any of the materials commonly known as hard metal or of cemented or sintered metallic carbides;
 - " scrap metal store " means a place where scrap metal is received or kept in the course of the business of a scrap metal dealer.
- (3) Any reference in the preceding provisions of this Act to metal, except in the phrases " hard metal" and " metallic carbides shall be taken as a reference to any of the following metals, that is to say, aluminium, copper, iron, lead, magnesium, nickel, tin and zinc, or, subject to the next following subsection, to brass, bronze, gunmetal, steel, white metal or any other alloy of any of the said metals.
- (4) For the purposes of this Act, a substance being an alloy referred to in the last preceding subsection shall not be treated as being such an alloy if, of its weight, two per cent. or more is attributable to gold or silver or any one or more of the following metals, that is to say, platinum, iridium, osmium, palladium, rhodium and ruthenium.
- (5) Any reference in this Act to a person registered under this Act as a scrap metal dealer is a reference to a person in respect of whom the particulars required by section 1 of this Act are for the time being entered in a register maintained by a local authority under that section.
- (6) Any reference in this Act to a registration mark borne by a vehicle is a reference to any mark which is displayed on the vehicle and is of a kind usually displayed on mechanically propelled vehicles for the purpose of complying with the provisions of the Vehicles (Excise) Act 1962 as to registration marks.
- (7) Except in so far as the context otherwise requires, any reference in this Act to an enactment is a reference to that enactment as amended by or under any other enactment.

10 Repeals

- (1) The provisions of this Act shall have effect in substitution for the enactments relating to dealers in old metals and to dealers in marine stores (which are specified in the Schedule to this Act) in so far as, by virtue of so much of those enactments as is specified in column 3 of that Schedule, they relate to any such dealers as aforesaid.

- (2) In accordance with the preceding subsection, the enactments specified in the Schedule to this Act are hereby repealed to (the extent specified in column 3 of that Schedule.
- (3) The Secretary of State may, after consultation with any local authority or county council appearing to him to be concerned, by order repeal any provision of any local Act being a provision which is not specified in Part II of the said Schedule and which appears to him to be unnecessary having regard to the provisions of this Act, or to be inconsistent with the provisions of this Act, and may by that order make such amendments of that or any other local Act as appear to him to be necessary in consequence of the repeal and such transitional provision as appears to him to be necessary or expedient in connection with the matter.
- (4) The power to make orders under the last preceding subsection shall be exercisable by statutory instrument; and any instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

11 Short title, commencement and extent

- (1) This Act may be cited as the Scrap Metal Dealers Act 1964.
- (2) This Act shall come into operation on the 1st April 1965.
- (3) This Act shall not extend to Scotland or to Northern Ireland.