



Legal Aid, Sentencing and Punishment of Offenders Act 2012

2012 CHAPTER 10

PART 3

SENTENCING AND PUNISHMENT OF OFFENDERS

CHAPTER 9

OFFENCES

146 Offence of buying scrap metal for cash etc

- (1) The Scrap Metal Dealers Act 1964 is amended as follows.
- (2) After section 3 insert—

“3A Offence of buying scrap metal for cash etc

- (1) A scrap metal dealer must not pay for scrap metal except—
 - (a) by a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable, or
 - (b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).
- (2) The Secretary of State may by order amend subsection (1) to permit other methods of payment.
- (3) In this section paying includes paying in kind (with goods or services).
- (4) If a scrap metal dealer pays for scrap metal in breach of subsection (1), each of the following is guilty of an offence—
 - (a) the scrap metal dealer;

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- (b) a person who makes the payment acting for the dealer;
 - (c) a manager who fails to take reasonable steps to prevent the payment being made in breach of subsection (1).
- (5) In subsection (4)(c) “manager” means a person who works in the carrying on of the dealer’s business as a scrap metal dealer in a capacity, whether paid or unpaid, which authorises the person to prevent the payment being made in breach of subsection (1).
- (6) Subsection (1) does not apply if—
- (a) the payment is made in the carrying on of the dealer’s business as a scrap metal dealer as part of the business of an itinerant collector, and
 - (b) at the time of the payment an order under section 3(1) is in force in relation to the dealer.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) An order under subsection (2) is to be made by statutory instrument.
- (9) A statutory instrument containing an order under subsection (2) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (3) Section 2 (records of dealings) is amended as follows.
- (4) After subsection (2)(d) insert—
- “(da) where paragraph (d) applies, any part of the price that is unpaid at the time when the entry is to be made;”.
- (5) In subsection (2)(e) for “the last preceding paragraph” substitute “paragraph (d)”.
- (6) After subsection (4) insert—
- “(4A) If a scrap metal dealer pays at any time for scrap metal falling within subsection (1)(a)—
- (a) the dealer must keep, with the book containing the entry relating to receipt of the scrap metal, a copy of the cheque (if the payment was by cheque), or any receipt identifying the transfer (if the payment was by electronic transfer and such a receipt was obtained), and
 - (b) the particulars required by this section to be entered include those listed in subsection (4B).
- (4B) The particulars are—
- (a) the full name and address of any person who makes the payment acting for the dealer;
 - (b) the full name and address of the person to whom the payment is made;
 - (c) in the case of an electronic transfer where no receipt identifying the transfer was obtained, particulars identifying the transfer.
- (4C) Anything kept by virtue of subsection (4A)(a) must be marked so as to identify the scrap metal by reference to the entry relating to receipt of the metal.
- (4D) An entry in pursuance of subsection (4A)(b)—
- (a) must be made immediately after the payment is made, and

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- (b) if not made at the same time as the entry relating to receipt of the scrap metal, must identify the metal by reference to that entry.”
- (7) In subsection (5), after “this section and” insert “the book and anything required by subsection (4A)(a) to be kept with it”.
- (8) Section 3 (special provisions as to records in certain cases) is amended as follows.
- (9) In subsection (5)(d), for “subsection (4)” substitute “subsections (4) and (4D)(a)”.
- (10) In subsection (6)(a)—
 - (a) after “books” insert “, and the obligation imposed by subsection (4A)(a) of that section to keep anything with a book,”;
 - (b) after “the like particulars” insert “, and to keeping the same things,”;
 - (c) for “and (3)” substitute “, (3) and (4A) to (4D)”.
- (11) In subsection (6)(c), for “subsection (4)” substitute “subsections (4) and (4D)(a)”.
- (12) In section 4(1) (power for court to impose additional requirements on convicted dealers)—
 - (a) omit “or” at the end of paragraph (a), and
 - (b) after that paragraph insert—
 - “(aa) is convicted of an offence under section 3A, or”.
- (13) Section 6 (rights of entry and inspection) is amended as follows.
- (14) After subsection (3) insert—
 - “(3A) Whether or not a place is one to which a constable has a right of entry in accordance with subsection (1), a justice of the peace may issue a warrant described in subsection (3B) if satisfied by information on oath that there are reasonable grounds for believing that the place—
 - (a) is a scrap metal store where scrap metal paid for contrary to section 3A is or has been received or kept, or
 - (b) is a place to which admission is reasonably required in order to ascertain whether that section is being complied with.
 - (3B) The warrant is a warrant signed by the justice issuing it which specifies the place concerned and authorises a constable to enter the place, if need be by force, at any time within one month from the date of the warrant.
 - (3C) A constable authorised to enter a place by a warrant granted under subsection (3A) has a right—
 - (a) to inspect that place;
 - (b) to require production of, and to inspect, any scrap metal kept at that place;
 - (c) to require production of and to inspect any book which the dealer is required by this Act to keep at that place and any copy or receipt required to be kept with the book, or, as the case may be, any receipt which the dealer is required to keep as mentioned in section 3(1)(b), and to take copies of the book, copy or receipt;
 - (d) to require production of and to inspect any other record kept at that place relating to payment for scrap metal, and to take copies of the record.”

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- (15) In subsection (4) for “the last preceding subsection” substitute “subsection (3) or (3A)”.