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

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## SCHEDULES

### SCHEDULE 2

#### CLOSURE OF UNLICENSED SITES

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##### Commencement Information

**II** Sch. 2 in force at 1.12.2013 by [S.I. 2013/1966](#), [art. 4\(h\)](#)

##### *Application for closure order*

- 4 (1) Where a closure notice has been given under paragraph 2(4), a constable or the local authority may make a complaint to a justice of the peace for a closure order (see paragraph 5).
- (2) A complaint under this paragraph may not be made—
- (a) less than 7 days after the date on which the closure notice was given, or
  - (b) more than 6 months after that date.
- (3) A complaint under this paragraph may not be made if the constable or authority is satisfied that—
- (a) the premises are not (or are no longer) being used by a scrap metal dealer in the course of business, and
  - (b) there is no reasonable likelihood that the premises will be so used in the future.
- (4) Where a complaint has been made under this paragraph, the justice may issue a summons to answer to the complaint.
- (5) The summons must be directed to any person to whom the closure notice was given under paragraph 2(4).
- (6) If a summons is issued under sub-paragraph (4), notice of the date, time and place at which the complaint will be heard must be given to all the persons to whom the closure notice was given under paragraph 2(5) and (7).
- (7) The procedure on a complaint under this paragraph is to be in accordance with the Magistrates' Courts Act 1980.

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##### Commencement Information

**II** Sch. 2 para. 4 in force at 1.12.2013 by [S.I. 2013/1966](#), [art. 4\(h\)](#)

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