

*These notes refer to the Scrap Metal Dealers Act 2013
(c.10) which received Royal Assent on 28 February 2013*

SCRAP METAL DEALERS ACT 2013

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 3: Issue of licence

20. **Section 3** requires the licensing authority to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the local authority may have regard to any relevant information, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. The Secretary of State has a power to prescribe in regulations the meaning of relevant offence and relevant enforcement action. It is intended that this will be in line with the criteria used by the Environment Agency when issuing environmental permits under the Environmental Protection Act 1990. The authority must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State, and the authority may consult other organisations to assist in determining suitability.
21. This section also allows local authorities, when issuing a licence, to include conditions in it if the licensee or site manager has been convicted of a relevant offence. Subsection (8) specifies the two conditions that can be imposed by local authorities on a licence, namely a restriction on opening hours and imposing ‘quarantine periods’.