

2002 No. 1916

ROAD TRAFFIC, ENGLAND AND WALES

The Motor Salvage Operators Regulations 2002

<i>Made</i> - - - -	<i>17th July 2002</i>
<i>Laid before Parliament</i>	<i>24th July 2002</i>
<i>Coming into force</i>	<i>21st October 2002</i>

The Secretary of State, in exercise of the powers conferred upon him by section 2(3), 3(1), 7(1), 7(3) and 41(2) of the Vehicles (Crime) Act 2001(a), having regard to the definition of “prescribed” in section 16(1) of that Act, and sections 13 and 105(2) of the Local Government Act 2000(b), hereby makes the following Regulations:

Citation, commencement and extent

1. These Regulations, which extend to England and Wales, may be cited as the Motor Salvage Operators Regulations 2002 and shall come into force on 21st October 2002.

Interpretation

2. In these Regulations—

“the 2001 Act” means the Vehicles (Crime) Act 2001;

“partnership” has the same meaning as in section 1(1) of the Partnership Act 1890(c);

“bankrupt” has the same meaning as in section 381 of the Insolvency Act 1986(d).

Particulars of each motor salvage operator’s entry on the register

3. For the purposes of section 2(3) of the 2001 Act, the prescribed particulars of each motor salvage operator’s entry in the register are—

(a) the full name and date of birth of the motor salvage operator, the full names and dates of birth of all the directors if the business is undertaken by a body corporate, or the full names and dates of birth of all the partners if the business is undertaken by a partnership;

(b) the address—

(i) if the operator is an individual, of his usual place of residence;

(ii) if the operator is a partnership, of each partner’s usual place of residence;

(iii) if the operator is a body corporate, of its registered or principal office; and

(iv) of each place in the administrative area of the local authority which is occupied by the motor salvage operator wholly, mainly or partly for the purpose of carrying on a business as defined in section 1(2) of the 2001 Act.

(a) 2001 c.3.
(b) 2000 c.22.
(c) 1890 53 & 54 Vict. c.39.
(d) 1986 c.45.

Requirements for registration or renewal of registration

4. For the purposes of section 3(1) of the 2001 Act, an application for registration in a register for a particular area or an application for the renewal of such registration must contain the following information:

- (a) the full name and date of birth of the applicant, or the names and dates of birth of all the directors or partners if the applicant business is undertaken by a body corporate or a partnership;
- (b) the address of the usual place of residence of each applicant or director or partner of the applicant business;
- (c) the address of each place in the administrative area of the local authority which is occupied by the applicant wholly, mainly or partly for the purpose of carrying on a business as defined in section 1(2) of the 2001 Act;
- (d) whether it is an initial application to register or an application for renewal of registration;
- (e) whether any previous application for registration has been refused and, if so, by which local authority, and for what reasons;
- (f) any convictions for any offence under Part 1 of the 2001 Act;
- (g) any conviction for any offence specified in an Order made by the Secretary of State in pursuance of his power under section 3(4)(b) of the 2001 Act;
- (h) whether the applicant, or any of the directors or partners of the applicant business, is a bankrupt.

Requirement for records to be kept by registered persons

5.—(1) For the purposes of section 7(1) registered persons must keep the records set out in this regulation.

(2) These records may be maintained in either electronic or manual form and must be located at or, in the case of electronic records, accessible from the registered place of business.

(3) When a registered person receives any vehicle he must make and keep a record of the following information—

- (a) details of the vehicle registration number, vehicle identification number, make, model and colour of the vehicle;
- (b) the name, address and contact details of the supplier of the vehicle;
- (c) details of any proof of identity shown to the registered person by, or on behalf of the supplier of the vehicle, to establish the identity of the vehicle supplier, including whether any document produced was a UK photocard driver's licence, a passport, a utility bill, council tax bill or rent book, or other form of identification containing a photograph of the vehicle supplier;
- (d) the general condition of the vehicle including details of the type of damage to the vehicle (for example whether the damage has been caused by fire, water or impact) and the part of the vehicle damaged;
- (e) the date on which the information referred to in sub-paragraphs (a)–(d) above was entered on the record.

(4) When a registered person sells or otherwise disposes of any vehicle, he must add the following pieces of information to the record made under paragraph (2) of this Regulation—

- (a) the date of sale or other disposal of the vehicle;
- (b) the name, address, and contact details of the person receiving the vehicle;
- (c) details of any proof of identity shown to the registered person by, or on behalf of the purchaser of the vehicle, to establish the identity of the person receiving the vehicle, including whether any document produced was a UK photocard driver's licence, a passport, a utility bill, council tax bill or rent book, or other form of identification containing a photograph of the vehicle purchaser;

(d) the condition of the vehicle at the time of the sale or other disposal. (For example, whether it was repaired, unrepaired, dismantled, or in the same condition as at purchase);

(e) the date when the information referred to in sub-paragraphs (a)–(d) above was entered on the record.

(5) The records referred to in this Regulation must be kept for a period of six years from the date of the last entry on the record for the vehicle.

(6) The requirements imposed by regulations 5(3)(a), (b) and (e) and 5(4)(a), (b) and (e) are hereby specified as provisions to which section 7(4) of the 2001 Act applies.

Functions which are not to be the responsibility of a local authority's executive

6. In paragraph B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000(a) (licensing and registration functions), at the end, there shall be added—

(a) in column (1)—

“71. Power to register motor salvage operators.”; and

(b) in column (2), in relation to the entry in column (1) for item 71—

“Part I of the Vehicles (Crime) Act 2001 (c.3).”.

Home Office
17th July 2002

John Denham
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of the Vehicles (Crime) Act 2001 introduces powers to regulate the motor salvage industry and require motor salvage operators to register with local authorities and to keep records. These Regulations make detailed provision for the keeping of the register by local authorities; application by motor salvage operators for registration, and requirements for record keeping by registered persons. Non compliance with the record keeping requirements referred to in Regulation 5(6) of these Regulations will be an offence under section 7(4) of the 2001 Act. The power to register motor salvage operators is not a function of the local authority's executive for the purposes of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

(a) S.I. 2000/2853; a relevant amending statutory instrument is S.I. 2001/2212.

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