



# Vehicles (Crime) Act 2001

## 2001 CHAPTER 3

### PART 1

#### REGULATION OF MOTOR SALVAGE OPERATORS

##### Modifications etc. (not altering text)

- C1** Part 1: functions of local authority not to be the responsibility of an executive of the authority (E.) (21.10.2002) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 (as amended by S.I. 2002/1916, reg. 6)

#### *Registration*

### **1 Requirement of registration for motor salvage operators**

- (1) Any person who carries on business as a motor salvage operator in the area of a local authority without being registered for that area by the authority shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (2) For the purposes of this Part a person carries on business as a motor salvage operator if he carries on a business which consists—
  - (a) wholly or partly in the recovery for re-use or sale of salvageable parts from motor vehicles and the subsequent sale or other disposal for scrap of the remainder of the vehicles concerned;
  - (b) wholly or mainly in the purchase of written-off vehicles and their subsequent repair and re-sale;
  - (c) wholly or mainly in the sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b); or
  - (d) wholly or mainly in activities falling within paragraphs (b) and (c).

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- (3) In this Part “registered” means registered in accordance with the provisions of this Part in a register established and maintained by a local authority under section 2; and cognate expressions shall be construed accordingly.

## **2 Registers of motor salvage operators**

- (1) Every local authority shall establish and maintain a register for their area of persons carrying on business as motor salvage operators in that area.
- (2) The register shall, subject to any requirements that may be prescribed, be in such form as the local authority consider appropriate.
- (3) Each person’s entry in the register shall contain such particulars as may be prescribed.
- (4) A person shall cease to be registered in the register at the end of the period of three years beginning with the relevant day unless his registration is renewed before the end of that period in accordance with section 3.
- (5) Where, at the end of the period of three years beginning with the relevant day, an application for renewal of registration has been made under section 3 but has not been withdrawn or finally determined, the registration of the person concerned shall be deemed to continue until the withdrawal or final determination of the application.
- (6) If the application is finally determined in favour of the applicant, the renewal shall be deemed to have had effect from the end of the period of three years beginning with the relevant day.
- (7) In subsections (4) to (6) “the relevant day” means the day on which the person was registered or (if the registration has previously been renewed) the day from which it was last so renewed.
- (8) For the purposes of subsections (5) and (6) an application shall be taken to be finally determined—
- (a) in the case of the grant of a renewal of registration, when the grant is made;
  - (b) in the case of a refusal to grant a renewal of registration, when no appeal under section 6 is possible in relation to the refusal or any such appeal has been finally determined or withdrawn.
- (9) The local authority shall secure that the contents of the register are available for inspection by members of the public at all reasonable times subject to such reasonable fees (if any) as the local authority may determine.
- (10) If requested by any person to do so and subject to such reasonable fee (if any) as the local authority may determine, the local authority shall supply the person concerned with a copy (certified to be true) of the register or of an extract from it.
- (11) Any such certified copy shall be evidence of the matters mentioned in it.

## **3 Applications for registration and renewal of registration**

- (1) An application for registration in a register for a particular area or for the renewal of such a registration—
- (a) shall be made to the local authority concerned in accordance with such requirements as may be prescribed; and

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- (b) shall be accompanied by a fee of such amount (if any) as the local authority may determine.
- (2) A local authority may set the level of fees to be charged in respect of applications—
  - (a) with a view to recovering the reasonable costs incurred by them in connection with the administration of this Part; and
  - (b) so that different fees are payable in different circumstances.
- (3) A local authority shall, on receiving an application under subsection (1) in respect of the register for their area, register, or (as the case may be) renew the registration of, the applicant in that register unless they are satisfied that he is not a fit and proper person to carry on business as a motor salvage operator.
- (4) In deciding whether they are so satisfied, the local authority shall, in particular, have regard to—
  - (a) whether the applicant has been convicted of any offences under this Part; and
  - (b) whether the applicant has been convicted of any offences of a description specified by the Secretary of State by order.
- (5) Where a local authority have refused to register a person in the register for their area under subsection (3), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the refusal was first given.
- (6) Where a local authority have refused to renew a person's registration in the register for their area under subsection (3), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the refusal became final.
- (7) This section is subject to section 5.

#### **4 Cancellation of registration**

- (1) A local authority may cancel a person's registration in the register for their area if they are satisfied that he is not a fit and proper person to carry on business as a motor salvage operator.
- (2) In deciding whether they are so satisfied, the local authority shall, in particular, have regard to the matters to which, by virtue of section 3(4), they shall have regard on an application for registration or renewal of registration.
- (3) A local authority may cancel a person's registration in the register for their area if they are satisfied that he is not carrying on business as a motor salvage operator in that area and has not, while registered, been doing so for at least 28 days.
- (4) A cancellation under this section shall not have effect—
  - (a) if no appeal is brought under section 6, before the end of the period of 21 days mentioned in subsection (2) of that section;
  - (b) if an appeal is brought under that section, before the final determination or withdrawal of the appeal.
- (5) Where a local authority have cancelled a person's registration in the register for their area under subsection (1), they may refuse to consider any application for registration made by that person during the period of three years beginning with the day on which the cancellation had effect.

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(6) This section is subject to section 5.

## 5 Right to make representations

(1) A local authority shall not—

- (a) refuse to register a person who has made an application under section 3(1) for registration in the register for their area;
- (b) refuse to renew the registration of a person who has made an application under section 3(1) for renewal of registration in the register for their area; or
- (c) cancel a person's registration in the register for their area;

unless they have complied with the provisions of this section.

(2) The local authority shall serve a notice on the person concerned stating—

- (a) what they are proposing to do;
- (b) the reasons for it; and
- (c) the period (not less than 14 days starting with the date of service of the notice) within which the person concerned may by notice—
  - (i) require them to give him an opportunity to make representations about the proposal; or
  - (ii) inform them that he does not wish to make any such representations.

(3) Where a notice has been served by the local authority under subsection (2), the local authority shall not proceed with their proposed refusal or (as the case may be) cancellation until—

- (a) the person concerned has made representations about it or informed them that he does not wish to make any such representations;
- (b) the period mentioned in subsection (2)(c) has passed without the local authority being required to give the person concerned an opportunity to make representations or without them being informed that he does not wish to make any representations; or
- (c) the conditions specified in subsection (4) are satisfied.

(4) The conditions are that—

- (a) the person concerned has required the local authority to give him an opportunity to make representations to them about the proposal;
- (b) the local authority have allowed him a reasonable period to make his representations; and
- (c) he has failed to make them within that period.

(5) The representations may be made orally or in writing.

(6) If the person concerned informs the local authority that he desires to make oral representations, the local authority shall give him an opportunity of appearing before, and being heard by, a person appointed by the local authority.

(7) If the local authority decide to proceed with their proposed refusal or (as the case may be) cancellation, they shall serve a notice on the person concerned informing him of their decision to proceed and of the refusal or cancellation.

(8) A notice under subsection (7) shall also inform the person concerned of—

- (a) his right to appeal under section 6 against the refusal or cancellation;

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- (b) the time within which such an appeal may be brought; and
- (c) in the case of a cancellation, the date on which the cancellation is to have effect.

## 6 Appeals

- (1) An appeal against—
  - (a) a refusal by a local authority to register in the register for their area a person who has made an application under section 3(1);
  - (b) a refusal by a local authority to renew the registration in the register for their area of a person who has made an application under section 3(1); or
  - (c) the cancellation by a local authority of a person’s registration in the register for their area;may be brought to a magistrates’ court.
- (2) An appeal under this section shall be brought within the period of 21 days beginning with the day on which the person concerned is served with a notice under section 5(7).
- (3) The procedure on an appeal under this section shall be by way of complaint for an order and in accordance with the Magistrates’ Courts Act 1980 (c. 43).
- (4) For the purposes of the time limit for bringing an appeal under this section the making of the complaint shall be treated as the bringing of the appeal.
- (5) On an appeal under this section, the magistrates’ court concerned may confirm, vary or reverse the local authority’s decision and generally give such directions as it considers appropriate having regard to the provisions of this Part.
- (6) It shall be the duty of the local authority to comply with any directions given by a magistrates’ court under subsection (5); but the authority need not comply with any directions given by the court—
  - (a) until the time for making an application under section 111 of the Magistrates’ Courts Act 1980 (application by way of case stated) has passed; or
  - (b) if such an application is made, until the final determination or withdrawal of the application.

*Keeping of records etc.*

## 7 Keeping of records

- (1) The Secretary of State may by regulations provide for the keeping of records by registered persons.
- (2) In subsection (1) “registered” includes formerly registered.
- (3) Regulations under this section may specify provisions of the regulations as provisions to which subsection (4) applies.
- (4) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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VALID FROM 01/10/2013

## 8 Notification of destruction of motor vehicles

- (1) The Secretary of State may by regulations provide for the notification by registered persons of the destruction of motor vehicles.
- (2) Regulations under this section may specify provisions of the regulations as provisions to which subsection (3) applies.
- (3) A person who contravenes any provision to which this subsection applies shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### *Supplementary provisions and offences*

## 9 Rights to enter and inspect premises

- (1) A constable may at any reasonable time enter and inspect premises for the time being entered in the register of a local authority as premises which are—
  - (a) occupied as a motor salvage yard by a person carrying on business as a motor salvage operator; or
  - (b) occupied by a person carrying on business as a motor salvage operator wholly or partly for the purposes of his business so far as it consists of any of the activities mentioned in section 1(2).
- (2) A constable may at any reasonable time—
  - (a) require production of, and inspect, any motor vehicles or salvageable parts kept at premises falling within subsection (1); and
  - (b) require production of, inspect and take copies of or extracts from any records which the person carrying on business as a motor salvage operator is required to keep at such premises by virtue of this Part.
- (3) Subsection (4) applies where, on an application made by a constable, a justice of the peace is satisfied that admission to premises specified in the application is reasonably required in order to secure compliance with the provisions of this Part, or to ascertain whether those provisions are being complied with.
- (4) The justice may issue a warrant authorising a constable to enter and inspect the premises concerned.
- (5) A constable—
  - (a) shall not be entitled to use force to enter premises in the exercise of his powers under subsection (1); but
  - (b) may if necessary use reasonable force in the exercise of his powers under a warrant issued under subsection (4).
- (6) A constable, in seeking to enter any premises in the exercise of his powers under subsection (1), shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identity, and of his authority for entering, before doing so.

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## **10 Offence of making false statements**

- (1) A person who, in making an application to be registered in the register of a local authority or to renew his registration in such a register—
  - (a) makes a statement which he knows to be false in a material particular; or
  - (b) recklessly makes a statement which is false in a material particular;shall be guilty of an offence and, subject to subsection (2), liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) A person who is guilty of an offence under subsection (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale if—
  - (a) any previous application of his to the local authority concerned for registration or renewal of registration was refused under section 3(3); or
  - (b) any previous registration of his in the register of the local authority concerned was cancelled under section 4(1).

## **11 Notification requirements**

- (1) A person applying to be registered in the register of a local authority or to renew his registration in such a register shall give notice to the local authority of any changes affecting in a material particular the accuracy of the information which he has provided in connection with his application.
- (2) A person who is registered in the register of a local authority shall give notice to the local authority of any changes affecting his entry in the register within 28 days of the changes occurring; and the local authority shall amend the register accordingly.
- (3) A person who is registered in the register of a local authority and is not carrying on business as a motor salvage operator in the area of the local authority shall give notice to the local authority concerned of that fact within 28 days of the beginning of the period in which he is not carrying on business in that area while registered.
- (4) A person who fails to give notice to a local authority in accordance with subsection (1), (2) or (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) In proceedings for an offence under subsection (4) it shall be a defence for the accused to show that he took all reasonable steps and exercised all due diligence to avoid committing the offence.

## **12 Offence of giving false particulars on sale for salvage**

Any person who, on selling a motor vehicle to a person who is in the course of carrying on business as a motor salvage operator so far as it consists of any of the activities mentioned in section 1(2), gives that person a false name or address shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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## *General*

### **13 Application of “fit and proper” test to companies etc.**

- (1) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a company is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any director of the company is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.
- (2) For the purposes of section 3(3) or 4(1) a local authority shall be satisfied that a limited liability partnership is not a fit and proper person to carry on business as a motor salvage operator if they are satisfied that any member of the partnership is not a fit and proper person to carry on such a business; and section 3(4) and 4(2) shall be construed accordingly.

### **14 Proceedings for offences under Part 1**

Proceedings for an offence under this Part shall not be instituted except—

- (a) by a local authority or a constable; or
- (b) in any other case, with the consent of the Attorney General.

### **15 Power to amend or repeal private or local Acts**

- (1) The Secretary of State may by order amend or repeal any provision of a private or local Act passed before or in the same session as this Act, if it appears to him necessary or expedient to do so in consequence of this Part.
- (2) Before exercising his power under subsection (1) in relation to any Act which concerns the area of a local authority or county council, the Secretary of State shall consult the local authority or county council concerned.

### **16 Interpretation of Part 1**

- (1) In this Part, unless the context otherwise requires—
  - “carrying on business as a motor salvage operator” has the meaning given by section 1(2);
  - “contravene”, in relation to any provision of regulations, includes fail to comply with it;
  - “motor salvage yard” means any premises where any motor vehicles are received or kept in the course of the carrying on of business as a motor salvage operator so far as the business consists of any of the activities mentioned in section 1(2) (excluding any premises where only salvageable parts of motor vehicles are so received or kept);
  - “motor vehicle” means any vehicle whose function is or was to be used on roads as a mechanically propelled vehicle;
  - “notice” means notice in writing;
  - “premises” includes any land or other place (whether or not enclosed);
  - “prescribed” means prescribed by regulations made by the Secretary of State;
  - “a register” means a register established and maintained under section 2;



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“registered” (and cognate expressions) have the meaning given by section 1(3);

“road” means any highway and any other road to which the public has access; and

“written-off motor vehicle” means a motor vehicle which is in need of substantial repair but in relation to which a decision has been made not to carry out the repairs.

- (2) The reference in section 5(5) to representations being made in writing includes a reference to representations being made in a text which—
- (a) is transmitted by means of [<sup>F1</sup>an electronic communications network] or by other means but while in an electronic form;
  - (b) is received in legible form; and
  - (c) is capable of being used for subsequent reference.
- (3) In this Part “local authority” means—
- (a) in relation to England—
    - (i) a unitary authority;
    - (ii) a district council so far as they are not a unitary authority;
  - (b) in relation to Wales, a county council or a county borough council.
- (4) In subsection (3) “unitary authority” means—
- (a) the council of a county so far as they are the council for an area for which there are no district councils;
  - (b) the council of any district comprised in an area for which there is no county council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London in its capacity as a local authority;
  - (e) the Council of the Isles of Scilly.
- (5) For the purposes of this Part a person carrying on business as a motor salvage operator shall be treated as carrying on that business in the area of a local authority if, but only if—
- (a) premises in that area are occupied by him as a motor salvage yard;
  - (b) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but he has his usual place of residence in that area; or
  - (c) no premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but premises in that area are occupied by him wholly or partly for the purposes of that business so far as it consists of any of the activities mentioned in section 1(2).
- (6) Subsection (5) shall have effect, in relation to any person who carries on business as a motor salvage operator in partnership with another person, as if any reference to the occupation of a place (whether as a motor salvage yard or otherwise) by a person 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.
- (7) References in this Part to offences under this Part include references to anything which is an offence by virtue of section 7(3) and (4) or 8(2) and (3).

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- (8) References in this Part to an appeal under section 6 being finally determined or withdrawn include references to the final determination or withdrawal of proceedings by way of case stated which relate to a decision by a magistrates' court on an appeal under that section.

#### Textual Amendments

- F1** Words in s. 16(2)(a) substituted (25.7.2003 for specified purposes, 29.12.2003 in so far as not already in force) by [Communications Act 2003 \(c. 21\)](#), s. 411(2), [Sch. 17 para. 168](#) (with [Sch. 18](#)); [S.I. 2003/1900](#), arts. 1(2), 2(1), [Schs. 1](#) (with [art. 3](#)) (as amended by [S.I. 2003/3142](#), art. 1(3)); [S.I. 2003/3142](#), [art. 3\(2\)](#) (with [art. 11](#))

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