



Scrap Metal Dealers Act 2013

2013 CHAPTER 10

Licensing of scrap metal dealers

1 Requirement for licence to carry on business as scrap metal dealer **E+W**

- (1) No person may carry on business as a scrap metal dealer unless authorised by a licence under this Act (a “scrap metal licence”).
- (2) See section 21 for the meaning of “carry on business as a scrap metal dealer”.
- (3) A person who carries on business as a scrap metal dealer in breach of subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

- I1** S. 1(1)(2) in force at 1.10.2013 by S.I. 2013/1966, art. 3(a)
I2 S. 1(3) in force at 1.12.2013 by S.I. 2013/1966, art. 4(a)

2 Form and effect of licence **E+W**

- (1) A scrap metal licence is to be issued by a local authority.
- (2) A licence must be one of the following types—
 - (a) a site licence, or
 - (b) a collector's licence.
- (3) A site licence authorises the licensee to carry on business at any site in the authority's area which is identified in the licence.
- (4) A site licence must—
 - (a) name the licensee,
 - (b) name the authority,

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- (c) identify all the sites in the authority's area at which the licensee is authorised to carry on business,
 - (d) name the site manager of each site, and
 - (e) state the date on which the licence is due to expire.
- (5) A collector's licence authorises the licensee to carry on business as a mobile collector in the authority's area.
- (6) A collector's licence must—
- (a) name the licensee,
 - (b) name the authority, and
 - (c) state the date on which the licence is due to expire.
- (7) A licence is to be in a form which—
- (a) complies with subsection (4) or (6), and
 - (b) enables the licensee to comply with section 10 (display of licence).
- (8) The Secretary of State may in regulations prescribe further requirements as to the form and content of licences.
- (9) A person may hold more than one licence issued by different local authorities, but may not hold more than one licence issued by any one authority.

Commencement Information

I3 S. 2 in force at 1.10.2013 by S.I. 2013/1966, art. 3(b)

3 Issue of licence E+W

- (1) A local authority must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.
- (2) In determining whether the applicant is a suitable person, the authority may have regard to any information which it considers to be relevant, including in particular—
- (a) whether the applicant or any site manager has been convicted of any relevant offence;
 - (b) whether the applicant or any site manager has been the subject of any relevant enforcement action;
 - (c) any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
 - (d) any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
 - (e) any previous revocation of a scrap metal licence (and the reasons for the revocation);
 - (f) whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.
- (3) In this section—
- (a) “site manager” means an individual proposed to be named in the licence as a site manager,

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- (b) “relevant offence” means an offence which is prescribed for the purposes of this section in regulations made by the Secretary of State, and
 - (c) “relevant enforcement action” means enforcement action which is so prescribed.
- (4) In determining whether a company is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether any of the following is a suitable person—
- (a) any director of the company;
 - (b) any secretary of the company;
 - (c) any shadow director of the company (that is to say, any person in accordance with whose directions or instructions the directors of the company are accustomed to act).
- (5) In determining whether a partnership is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether each of the partners is a suitable person.
- (6) The authority must also have regard to any guidance on determining suitability which is issued from time to time by the Secretary of State.
- (7) The authority may consult other persons regarding the suitability of an applicant, including in particular—
- (a) any other local authority;
 - (b) the Environment Agency;
 - (c) the Natural Resources Body for Wales;
 - (d) an officer of a police force.
- (8) If the applicant or any site manager has been convicted of a relevant offence, the authority may include in the licence one or both of the following conditions—
- (a) that the dealer must not receive scrap metal except between 9 a.m. and 5 p.m. on any day;
 - (b) that all scrap metal received must be kept in the form in which it is received for a specified period, not exceeding 72 hours, beginning with the time when it is received.
- (9) “Specified” means specified in the condition.

Commencement Information

I4 S. 3 in force at 1.10.2013 by S.I. 2013/1966, art. 3(c)

4 Revocation of licence and imposition of conditions **E+W**

- (1) The authority may revoke a scrap metal licence if it is satisfied that the licensee does not carry on business at any of the sites identified in the licence.
- (2) The authority may revoke a licence if it is satisfied that a site manager named in the licence does not act as site manager at any of the sites identified in the licence.
- (3) The authority may revoke a licence if it is no longer satisfied that the licensee is a suitable person to carry on business as a scrap metal dealer.

Changes to legislation: There are currently no known outstanding effects for the Scrap Metal Dealers Act 2013, Cross Heading: Licensing of scrap metal dealers. (See end of Document for details)

- (4) Section 3(2) to (7) apply for the purposes of subsection (3).
- (5) If the licensee or any site manager named in a licence is convicted of a relevant offence, the authority may vary the licence by adding one or both of the conditions set out in section 3(8).
- (6) A revocation or variation under this section comes into effect when no appeal under paragraph 9 of Schedule 1 is possible in relation to the revocation or variation, or when any such appeal is finally determined or withdrawn.
- (7) But if the authority considers that the licence should not continue in force without conditions, it may by notice provide—
- (a) that, until a revocation under this section comes into effect, the licence is subject to one or both of the conditions set out in section 3(8), or
 - (b) that a variation under this section comes into effect immediately.
- (8) In this section “the authority” means the local authority which issued the licence.

Commencement Information

I5 S. 4 in force at 1.10.2013 by S.I. 2013/1966, art. 3(d)

5 Further provision about licences **E+W**

Schedule 1 (which makes further provision about licences) has effect.

Commencement Information

I6 S. 5 in force for specified purposes at 1.9.2013 by S.I. 2013/1966, art. 2(a)

I7 S. 5 in force in so far as not already in force at 1.10.2013 by S.I. 2013/1966, art. 3(e)

6 Supply of information by authority **E+W**

- (1) This section applies to information which has been supplied to a local authority under this Act and relates to a scrap metal licence or to an application for or relating to a licence.
- (2) The local authority must supply any such information to any of the following persons who requests it for purposes relating to this Act—
- (a) any other local authority;
 - (b) the Environment Agency;
 - (c) the Natural Resources Body for Wales;
 - (d) an officer of a police force.
- (3) This section does not limit any other power the authority has to supply that information.

Commencement Information

I8 S. 6 in force at 1.10.2013 by S.I. 2013/1966, art. 3(f)

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7 Register of licences **E+W**

- (1) The Environment Agency must maintain a register of scrap metal licences issued by authorities in England.
- (2) The Natural Resources Body for Wales must maintain a register of scrap metal licences issued by authorities in Wales.
- (3) Each entry in the registers must record—
 - (a) the name of the authority which issued the licence,
 - (b) the name of the licensee,
 - (c) any trading name of the licensee,
 - (d) the address of any site identified in the licence,
 - (e) the type of licence, and
 - (f) the date on which the licence is due to expire.
- (4) The registers are to be open for inspection to the public.
- (5) The Environment Agency or the Natural Resources Body for Wales may combine its register with any other register maintained by it.

Commencement Information

19 S. 7 in force at 1.10.2013 by S.I. 2013/1966, art. 3(g) (with art. 5(7))

8 Notification requirements **E+W**

- (1) An applicant for a scrap metal licence, or for the renewal or variation of a licence, must notify the authority to which the application was made of any changes which materially affect the accuracy of the information which the applicant has provided in connection with the application.
- (2) A licensee who is not carrying on business as a scrap metal dealer in the area of the authority which issued the licence must notify the authority of that fact.
- (3) Notification under subsection (2) must be given within 28 days of the beginning of the period in which the licensee is not carrying on business in that area while licensed.
- (4) If a licensee carries on business under a trading name, the licensee must notify the authority which issued the licence of any change to that name.
- (5) Notification under subsection (4) must be given within 28 days of the change occurring.
- (6) An authority must notify the relevant environment body of—
 - (a) any notification given to the authority under subsection (2) or (4),
 - (b) any variation made by the authority under paragraph 3 of Schedule 1 (variation of type of licence or matters set out in licence), and
 - (c) any revocation by the authority of a licence.
- (7) Notification under subsection (6) must be given within 28 days of the notification, variation or revocation in question.

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- (8) Where an authority notifies the relevant environment body under subsection (6), the body must amend the register under section 7 accordingly.
- (9) An applicant or licensee who fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) It is a defence for a person charged with an offence under this section to prove that the person took all reasonable steps to avoid committing the offence.
- (11) In this section “the relevant environment body” means—
- (a) for an authority in England, the Environment Agency;
 - (b) for an authority in Wales, the Natural Resources Body for Wales.

Commencement Information

I10 S. 8(1)-(8)(11) in force at 1.10.2013 by S.I. 2013/1966, **art. 3(h)**

I11 S. 8(9)(10) in force at 1.12.2013 by S.I. 2013/1966, **art. 4(b)**

9 Closure of unlicensed sites **E+W**

Schedule 2 (which makes provision for the closure of sites at which a scrap metal business is being carried on without a licence) has effect.

Commencement Information

I12 S. 9 in force at 1.12.2013 by S.I. 2013/1966, **art. 4(c)**

Changes to legislation:

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