

SCRAP METAL DEALERS ACT 2013

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 16: Right to enter and inspect

46. **Section 16** provides police constables or officers of a local authority with a right to enter and inspect the premises of licensed and unlicensed scrap metal dealers.
47. Subsection (1) provides a right of entry and inspection to a constable or local authority officer to a licensed site at all reasonable times on notice to the site manager.
48. Subsection (2) sets out the circumstances in which a constable or local authority officer can exercise a right of entry and inspection, at a reasonable time, without giving notice to the site manager. Subsection (3) makes it clear these powers of entry in subsection (1) and (2) (which are exercisable without warrant) do not apply to residential premises and subsection (4) makes it clear they cannot be exercised with the use of force.
49. Subsection (5) provides a right of entry exercisable by warrant to secure compliance with the provisions of the Act and to ascertain whether the provisions of the Act are being complied with. This right of entry applies to premises, including residential premises, which are a licensed site or to premises that are not licensed but where there are reasonable grounds for believing that they are being used by a scrap metal dealer in the course of business. Reasonable force may be used in the exercise of a right of entry under warrant.
50. It is an offence punishable on summary conviction with a fine not exceeding level 3 on the standard scale to obstruct the right of entry or inspection or fail to produce the records that are required.