

SCRAP METAL DEALERS ACT 2013

EXPLANATORY NOTES

THE ACT – COMMENTARY ON SECTIONS

Section 5: Further provision about licenses

23. [Section 5](#) provides that Schedule 1 has effect. Schedule 1 sets out procedural issues relating to the licence.
24. A licence will be issued for a period of three years from the date of issue. The Secretary of State will have the power under paragraph 1(4) to alter the duration of the licence.
25. The local authority can also vary the licence where there is a change of circumstance relating to particular details contained in the licence. This means that there will not be a need to issue a new licence for a further three year period, with a further fee being paid, each time certain details change e.g. the name of the licensee. The ability to vary a licence includes the ability to change it from a site licence to a collector's licence or vice versa.
26. The application process for a licence is set out in paragraph 2, including a requirement to provide information relating to relevant enforcement action and convictions for relevant offences. The Secretary of State has a power by order to alter the requirements as to what information must accompany the application.
27. [Paragraph 6](#) permits local authorities to charge a licence fee at cost recovery. This fee will be set locally. The Secretary of State will issue statutory guidance, which local authorities will have a duty to have regard to, which will outline the activities that can be funded by this licence fee.
28. The Schedule also sets out how the applicant or licensee can make representations where the licensing authority proposes either to refuse to issue/renew an application or to revoke a licence. There will be a requirement for the licensing authority to provide the applicant with a notice to outline the decision that they propose to make about issuing/revoking a licence. The procedure for making representations will be outlined in the notice, giving at least a 14 day window, or further time as is reasonable for representations to be made. The applicant will also have the right to appeal to the magistrates' court against any decision made by the licensing authority to refuse to issue or renew a licence, to vary or revoke a licence or to impose conditions within a licence.