Scrap Metal Dealers Act – South Northants Council Guidance

Background

The Scrap Metal Dealers Act 2013 came into force on the 1st of October 2013. It includes the requirement in S1(1) to be authorised by a licence in order to carry on a business as a scrap metal dealer.

Licences

A site licence

- Will be required where a business is carried on as a scrap metal dealer at premises.
- A site manager will be required to be named for each site
- The licensee will then be permitted to operate from that site as a scrap metal dealer including transporting to and from those sites from any local authority area.

A collector’s licence

- authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect scrap metal as appropriate
- this includes commercial as well as domestic scrap metal
- If a mobile collector operates within more than one local authority's district, a licence will be required for each authority that (s) he operates in.

Suitability

An applicant for a licence must be suitable and the local authority, when determining suitability, can have regard to:

- Whether the applicant or any site manager has been convicted of any relevant offence (*)
- Whether the applicant or any site manager has been the subject of any relevant enforcement action.
- Any previous refusal for issue or renewal of a Scrap Metal Licence.
- Any previous refusal for an environmental permit or registration.
- Any previous revocation of a Scrap Metal Licence.
- Whether the applicant has demonstrated that there will be adequate procedures to comply with the Act.

* Relevant offences are attached to the application form. An application will not normally be considered until a minimum period of 3 years free of conviction is shown. All applications free of convictions for between 3 and 5 years will be determined by delegated officers or sub-committee.
Requirement to maintain records

1. If a scrap metal dealer receives any scrap metal in the course of the dealer’s business the dealer must record the following information:
The description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
   . The date and time of its receipt;
   . If the metal is delivered in or on a vehicle, the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) of the vehicle;
   . If the metal is received from a person, the full name and address of that person; and
   . If the dealer pays for the metal, the full name of the person who makes the payment acting for the dealer.

2. If the dealer receives the metal from a person, the dealer must keep a copy of any document which the dealer uses to verify the name or address of that person.

3. If the dealer pays for the metal by cheque, the dealer must keep a copy of the cheque.

4. The records mentioned at 2 and 3 must be marked so as to identify the scrap metal to which they relate.

5. If the dealer pays for the metal by electronic transfer:
   . The dealer must keep the receipt identifying the transfer; or
   . If not receipt identifying the transfer was obtained, the dealer must record particulars identifying the transfer.

6. If a scrap metal dealer disposes of any scrap metal in the course of the dealer’s business under a site licence, the dealer must record the following information:
   . The description of the metal, including its type (or types if mixed), form and weight;
   . The date and time of its disposal;
   . If the disposal is to another person, the full name and address of that person; and
   . If the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.

7. If a scrap metal dealer disposes of any scrap metal in the course of the dealer’s business under a collector’s licence, the dealer must record the following information:
   . The date and time of the disposal; and
   . If the disposal is to another person, the full name and address of that person.

8. All of the above records must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.
9. All records must be kept for a period of 3 years beginning with the day on which the metal is received or (as the case may be) disposed of.

Failure to maintain records as outlined above could result in a licence being revoked on suitability grounds.

**Right of Appeal**

An applicant can appeal against a refusal, revocation or the inclusion of conditions.

See - Scrap Metal Dealers Act 2013 – Schedule 1.

The above is only intended as guidance. The full Act can be accessed at http://www.legislation.gov.uk/ukpga/2013/10/contents