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STATUTORY INSTRUMENTS

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**2013 No. 1966 (C. 83)**

**CRIMINAL LAW  
SCRAP METAL DEALERS**

**The Scrap Metal Dealers Act 2013 (Commencement  
and Transitional Provisions) Order 2013**

*Made* - - - - *6th August 2013*

The Secretary of State, in exercise of the powers conferred by sections 20(4) and 23(2) and (3) of the Scrap Metal Dealers Act 2013<sup>(1)</sup>, makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Scrap Metal Dealers Act 2013 (Commencement and Transitional Provisions) Order 2013.

(2) In this Order, “the 2013 Act” means the Scrap Metal Dealers Act 2013.

**Commencement**

2. The following provisions of the 2013 Act shall come into force on 1st September 2013—
  - (a) section 5 (further provision about licenses: fees) insofar as necessary for the purposes of paragraph (b) below;
  - (b) paragraph 6 of Schedule 1 (fee).
3. The following provisions of the 2013 Act shall come into force on 1st October 2013—
  - (a) section 1(1) and (2) (requirement for licence to carry on business as scrap metal dealer);
  - (b) section 2 (form and effect of licence);
  - (c) section 3 (issue of licence);
  - (d) section 4 (revocation of licence and imposition of conditions);
  - (e) section 5 (further provision about licences) insofar as it is not already in force;
  - (f) section 6 (supply of information by authority);
  - (g) section 7 (register of licences);
  - (h) section 8(1) to (8), and (11) (notification requirements);

- (i) section 10(1) to (4) (display of licence);
  - (j) section 11(1) to (3) (verification of supplier's identity);
  - (k) section 12 (offence of buying scrap metal for cash);
  - (l) section 13 (record of dealings: receipt of metal);
  - (m) section 14 (record of dealings: disposal of metal);
  - (n) section 15(1) to (3) (records: supplementary);
  - (o) section 16 (right to enter and inspect);
  - (p) section 17 (offences by body corporate);
  - (q) section 18 (review of Act);
  - (r) section 19 (consequential amendments);
  - (s) section 21 ("carrying on business as a scrap metal dealer" and "scrap metal");
  - (t) section 22 (other definitions);
  - (u) paragraphs 1, 2, 3(1) to (4), 4 and 7 to 9 of Schedule 1 (further provision about licences).
4. The following provisions of the 2013 Act shall come into force on 1st December 2013—
- (a) section 1(3) (offence of carrying on business as scrap metal dealer without a licence);
  - (b) section 8(9) and (10) (offence of failing to comply with notification requirements);
  - (c) section 9 (closure of unlicensed sites);
  - (d) section 10(5) (offence of failing to comply with requirement to display licence);
  - (e) section 11(4) to (7) (offence of failing to verify supplier's identity etc);
  - (f) section 15(4) to (6) (offence of failing to comply with record keeping requirements);
  - (g) paragraphs 3(5) and (6) and 5 of Schedule 1 (further provision about licences: offences of failing to apply to vary a licence, and making a false statement);
  - (h) Schedule 2 (closure of unlicensed sites).

### **Transitional provisions**

5.—(1) A scrap metal dealer who, immediately before 1st October 2013, was registered under either section 1 of the Scrap Metal Dealers Act 1964<sup>(2)</sup> or section 1 of the Vehicles (Crime) Act 2001<sup>(3)</sup> shall be deemed to be authorised by a licence under section 1 of the 2013 Act, and references in this article to a "deemed licence" shall be construed accordingly.

(2) Subject to paragraphs (3) and (5), a deemed licence has effect from 1st October 2013 until the local authority to whom he applies for a licence either issues him with a licence or gives him a notice of the decision to refuse him a licence.

(3) If a scrap metal dealer who was so previously registered fails to submit an application for a licence on or before 15th October 2013, his deemed licence will lapse on 16th October 2013.

(4) The lapsing of the deemed licence on 16th October 2013 shall not be treated as a revocation of the deemed licence, and does not give rise to a right of appeal under paragraph 9(2)(b) of Schedule 1 to the 2013 Act.

(5) Where a scrap metal dealer who was so previously registered applies for a licence on or before 15th October, and the local authority refuses his application for a licence, this refusal shall only come into effect when no appeal under paragraph 9 of Schedule 1 to the 2013 Act is possible in relation to the refusal, or when any such appeal is finally determined or withdrawn.

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(2) 1964 c.69.

(3) 2001 c.3.

(6) Pending an appeal against the refusal of an application for a licence, if the authority considers that the deemed licence should not continue in force without conditions, it may, by notice, provide that until the refusal comes into effect, the deemed licence is subject to one or both of the conditions set out in section 3(8) of the 2013 Act.

(7) The obligations of the Environment Agency and Natural Resources Body for Wales in section 7(1) to (3) of the 2013 Act (register of licences) do not apply in relation to deemed licences.

(8) The obligations in section 10 (display of licence) do not apply to deemed licences.

6th August 2013

*Jeremy Browne*  
Minister of State  
Home Office

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force the Scrap Metal Dealers Act 2013 (“the 2013 Act”), which repeals the Scrap Metal Dealers Act 1964 and the system of registration contained therein, and replaces it with a new system of licensing, to be administered by local authorities. The 2013 Act also replaces the system of registration for motor salvage operators under the Vehicles (Crime) Act 2001, in that motor salvage operators will now be treated as scrap metal dealers who fall to be licensed under the new regime.

Article 2 of the Order brings into force paragraph 6 of Schedule 1 of the 2013 Act on 1st September 2013, since this will enable local authorities to set a fee that will be payable on an application for a licence, and requires local authorities to have regard to guidance issued by the Secretary of State in setting the fee.

Article 3 of the Order brings into force the majority of the provisions in the 2013 Act on 1st October 2013, in compliance with the policy on common commencement dates.

Article 4 of the Order brings into force the majority of the criminal offences in the 2013 Act from 1st December 2013.

Article 5 of the Order sets out transitional provisions. These will enable scrap metal dealers who were previously registered under the Scrap Metal Dealers Act 1964 or the Vehicles (Crime) Act 2001 to benefit from a deemed licence, provided that they have applied for a licence on or before 15th October 2013. The intention behind these provisions is to minimize disruption to business during the transition from the old regime to the new regime.