



**Scrap Metal Dealers Act 2013**

**Canterbury City Council**

# **Policy Statement 2024**

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The Scrap Metal Dealers Act 2013 Policy was approved at Executive meeting on 12 March 2015 at Minute E184 below

E177 **Minute No. E184**

E178 **SCRAP METAL DEALERS ACT 2013 POLICY**

The portfolio holder introduced the report of the Assistant Director of Commissioned Services which set out a draft of the new Scrap Metal Dealers Act 2013 policy and conditions and sought approval for the adoption of the policy to come into effect on 6 April 2015.

The report did not offer other options but if the Executive Members felt that additional information was required they could ask for a further report.

The Overview Committee had considered the report at its meeting on 4 March 2015 and it had supported the recommendation to the Executive.

RESOLVED - That the draft Scrap Metal Dealers Act 2013 policy as set out in the report be adopted.

Reason for the decision

The policy is an important tool to ensure that the scrap metal trade in Canterbury is compliant with statute and provides a robust and efficient service to the members of the trade and public. The policy will provide clear guidance to officers when administering the licensing regime in a clear and consistent way.

The policy was readopted on 07 October 2024 by Cabinet.

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## **1.0 Introduction**

1.1 Canterbury City Council is situated in the County of Kent, which contains 12 District Councils and one Unitary Authority in total.

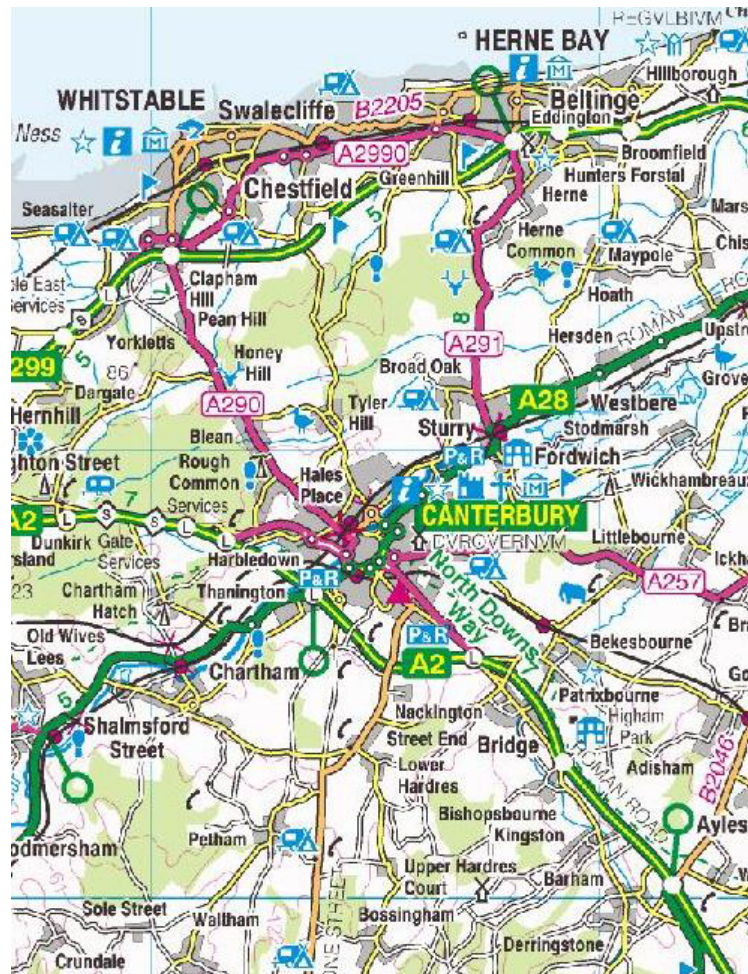
The Council Area has a population of 158,000 (ONS 2014) making it one of the largest in the County in terms of population. In terms of area it is also one of the largest, covering 31,056 hectares. The Council area is rural with a central city and two coastal towns. There are also a number of larger villages and other smaller rural settlements. The area is a major tourist attraction and a world heritage site and has four universities in the City of Canterbury.

It is vital that the Council balances the numerous competing demands on the facilities it is responsible for, in a fair and open way and endeavours to enhance the attributes of a very popular area by providing venues / opportunities for events, markets, concessions, street trading, charitable collections etc.

The three urban areas and the rural villages and settlements are shown on the map here.

**Map of Canterbury City Council District**

1.2



This policy outlines

- the requirements of the Act
- guidance to new applicants, existing licence holders, consultees and members as to how the local authority will administer and enforce the requirements of the Act.

This policy, including the fees, will be reviewed on a regular basis, with a full review at least once every three years.

In preparation and publication of this policy, the following will be consulted:

- Kent Police
- British Transport Police
- Kent Fire and Rescue Services
- Environment Agency
- Kent Trading Standards Department
- Licence holders
- Relevant trade associations.

The Council may only recover fees in accordance with the cost of the administration and compliance of the licensing regime.

### 1.3 Equality Act 2010

The Council has an Equality and Diversity policy on its website. The Policy statement reads:

Canterbury City Council recognises that the diversity of our communities is a huge asset that should be valued and seen as one of the district's great strengths.

As one of the largest employers in the Canterbury district and one of the main providers of local services, the Council is committed to providing equality of opportunity and tackling discrimination, harassment and disadvantage. We are also committed to achieving the highest standards in service delivery, decision-making and employment practice. Equality of opportunity for all sections of the community and our workforce is an integral part of this commitment.

Canterbury City Council will not tolerate less favourable treatment of anyone on the grounds of their gender, age, race, colour, nationality, ethnic or national origin, disability, marital or civil partnership status, pregnancy or maternity status, sexual orientation, gender reassignment status, responsibility for dependents, religious or other beliefs, socio-economic status, or any other reason which cannot be shown to be justified.

## 2.0 Background to the Scrap Metal Dealers Act 2013

### 2.1 Aim of the Act

The Government has introduced legislation, the Scrap Metal Dealers Act 2013 (the Act), as a measure to control metal theft and the significant impact of such offences on communications, travel, historic buildings, churches and health & safety, eg theft of signage, inspection covers, drainage etc.

The Act repeals previous legislation and creates a revised regulatory regime for scrap metal, scrap metal recycling and vehicle dismantling industries.

The Act came into force on 01 October 2013 and specifically addresses the issues surrounding the:

- purchase
- sale
- collection
- storage and
- disposal

of metal.

### 2.2 Definition of a scrap metal dealer

#### 2.2.1 The Act defines a 'scrap metal dealer' as a person who carries on the business which consists wholly or in part of the buying and selling of scrap metal, whether or not the metal is sold in the form it was bought. This definition does not include manufacturing operations that sell metal as a by-product of the processes being used in that operation. However, it does include the business of collecting scrap metal, i.e. door

to door collectors. The Act includes any metal articles which have been abandoned or advertised as 'free' to the person collecting it.

#### 2.2.2

The definition of scrap metal dealer is wide and may include skip hire firms, and tradesmen, such as plumbers and builders who sell scrap metal resulting from their businesses.

#### 2.2.3

In these circumstances, each business will be considered on its own merits, but consideration will be given to the amount of metal collected / traded and how significant / incidental that element of the business is to the main business.

#### 2.2.4

Motor salvage operator

The definition of a scrap metal dealer also includes someone carrying on the business as a motor salvage operator. This is defined as a business that wholly or:

- in part recovers salvageable parts from motor vehicles for re-use or re-sale, and then sells the rest of the vehicle for scrap
- mainly involves buying written-off vehicles and then repairing and re-selling them
- mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and re-selling them.

### 2.3 Definition of scrap metal

#### 2.3.1 The Act states that "scrap metal" includes:

- any old, waste or discarded metal or metallic material, and
- any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

#### 2.3.2 This definition does include platinum and other rare metals now being used in catalytic converters in vehicle exhausts.

The following are not considered to be "scrap metal":

- gold
- silver
- any alloy of which 2% or more by weight is attributable to gold or silver.

### 2.4 The regulator

The Act identifies the local authority as the principal regulator and gives the Council the authority to regulate these industries by the ability to refuse licences to 'unsuitable' applicants and the power to revoke those licences held by licence holders who become 'unsuitable'.

## 3.0 Scrap Metal Dealer Act Licences

### 3.1 A licence is required to carry on the business as a scrap metal dealer. A licence, once granted, lasts for three years. Trading without a licence is a criminal offence (see 19.0 below).

### 3.2 Types of licence

The Act specifies two types of licence.

### 3.2.1 **1 Site Licence**

- all sites operating as a scrap metal business must be licensed
- each site must have a named site manager
- a site licence allows the licence holder to transport scrap to and from the site from any local authority area
- a site licence may be granted for more than one site in the local authority area.

Definition of a site

A site is defined as 'any premises used in the course of carrying on a business as a scrap metal dealer, (whether or not metal is kept there)'. This means a dealer will require a licence for an office, even if they do not operate a metal store or yard from those premises.

A site licence must be displayed at each site identified on the licence, in a prominent place accessible to members of the public.

### 3.2.2 **2 Collector's Licence**

- Allows the holder to collect scrap within the area of the issuing local authority, ie door to door.

Definition of a Collector

Mobile collector "means a person who:

- (a) carries on business as a scrap metal dealer otherwise than at a site, and
- (b) regularly engages, in the course of that business, in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door."

This licence does not permit the holder to operate a scrap metal site, nor does it allow collection from outside of the area of the issuing authority. If a person collects scrap from numerous local authority areas, a collector's licence will be required from each local authority he / she collects scrap within.

A copy of a collector's licence must be displayed on any vehicle that is being used in the course of a dealer's business. It must be displayed in a prominent position so that it can be easily read from outside the vehicle.

### 3.3 Limitation

A dealer can only hold one type of licence in any one local authority.

Other statutory requirements

Holding a site or collector's licence does exempt the licensee from requiring any other licence or permit to operate their scrap metal business, eg permit to carry waste.

### 4.0 Suitability of applicants



#### 4.1 Role of the regulator

The Council must determine if an applicant is a suitable person to carry on the business as a scrap metal dealer. 'Applicant' includes sole traders, partners of a partnership and directors, secretary and shadow directors of a company.

#### 4.2 Relevant information

The Council may have regard to any information which it considers to be relevant, this may include (this list is not exhaustive):

- a) whether the applicant or site manager has been convicted of any relevant offence;
- b) whether the applicant or site manager has been the subject of any relevant enforcement action;
- c) whether there has been any refusal on an application of the issue or renewal of a scrap metal licence, and the reasons for the refusal;
- d) whether there has been any refusal of an application for a relevant environmental permit or registration, and the reasons for the refusal;
- e) if there has been any previous revocation of a scrap metal licence, and the reasons for the revocation;
- f) whether the applicant has demonstrated there will be adequate procedures in place to ensure compliance with the Act
- g) relevant offences or relevant enforcement action listed under the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013.

#### 4.3 Relevant enquiries

When establishing the applicant's suitability, the Council may consult with the following agencies:

- a) Police
- b) HM Revenue and Customs
- c) Environment Agency
- d) Environmental Protection Team
- e) Trading Standards
- f) Any other person, body, authority who may provide relevant information.

## **5.0 Supply of information**

5.1 Information supplied to the authority in relation to an application for, or relating to a scrap metal licence must be provided when requested relating to a licence to:

- a) any other local authority
- b) Environment Agency; or
- c) an officer of a police force.

This does not limit any other power the authority has to supply that information.

## **6.0 Environment Agency register of licences**

6.1 The Environment Agency will maintain a register for public inspection of scrap metal licences issued by all local authorities in England.

The register includes the following information:

- a) name of the authority which issued the licence
- b) name of the licensee
- c) any trading name of the licensee
- d) address of the site identified on the licence
- e) type of licence
- f) date of expiry on the licence.

6.2 The register will be up-dated by the Council after an application (new, renewal, variation, revocation etc) has been processed within 28 days.

## **7.0 Verification of supplier's identity**

7.1 Before receiving scrap metal, the dealer must verify a person's full name and address, by reference to documents or data from a reliable and independent source.

7.2 If suitable verification is not obtained, the scrap metal dealer, or site manager, or person who has been delegated responsibility by the dealer or site manager for verifying the name and address, shall be guilty of an offence (see 19.0).

## **8.0 Payment for scrap metal**

A scrap metal dealer must only pay for scrap metal by either:

- a) cheque (which is not transferable under Section 81A of the Bills of Exchange Act 1882)
- b) electronic transfer of funds (authorised by a credit, debit card or otherwise).

Payment cannot be made by paying in kind with goods and services.

## **9.0 Records**

### 9.1 Types of record

The scrap metal dealer must keep three types of records:

- 1) receipt of metal
- 2) disposal of metal
- 3) supplementary.

### 9.2 Receipt of metal

#### 9.2.1 If metal is received in the course of the dealer's business, the following must be recorded:

- a) description of the metal, including its type (types if mixed) and form
- b) condition, weight and any marks identifying previous owners or other
- c) distinguishing features
- d) date and time of receipt
- e) the registration mark of the vehicle it was delivered by
- f) full name and address of the person delivering it
- g) full name of the person making payment on behalf of the dealer.

The dealer must keep a copy of the documents used to verify the delivery person's name and address.

If payment is by cheque a copy of the cheque must be retained.

If payment is by electronic transfer, a receipt identifying the transfer must be retained, or the details of the transfer.

### 9.3 Disposal of metal

#### 9.3.1 Disposal under the Act covers metal:

- a) whether or not it is in the same form when it was purchased
- b) whether or not it is to another person
- c) whether or not it is despatched from a site.

#### 9.3.2 Disposal records must be recorded, including:

- a) description of the metal, including its type (types if mixed), form, weight
- b) date and time of disposal
- c) if to another person, their full name and address

#### 9.3.3 d) if payment is received for the metal (sale or exchange) the price

- e) other consideration received.

If disposal is in the course of business conducted under a collector's licence, the dealer must record:

- a) date and time of disposal
- b) if to another person, their full name and address.

### 9.4 Supplementary

9.4.1 The information collected during receipt and disposal must be recorded in such a manner that allows the information and the metal to which it relates to be easily identified.

9.4.2 The records of receipt must be marked so as to identify the metal to which they relate.

9.4.3 Records must be kept for a period of three years beginning on the day of receipt, or disposal.

9.4.4 If suitable records for the receipt or disposal of scrap metal are not kept then the scrap metal dealer, or site manager, or person who has been delegated responsibility by the dealer or site manager for keeping records, shall be guilty of an offence (see 19.0).

A dealer or site manager may have a defence if they can prove arrangements had been made to ensure the requirement to keep records was fulfilled, or that they took all reasonable steps to ensure those arrangements were complied with.

## 10.0 **Right of entry and inspection**

- 10.1 A police officer or an authorised officer of the Council may enter and inspect a licensed site at any reasonable time, with notice to the site manager.
- 10.2 Entry and inspection without notice would occur, if:
- a) reasonable attempts to give notice had been given and had failed, or
  - b) entry to the site is reasonably required for the purpose of ascertaining whether the provisions of the Act are being complied with or investigating offences under it, and, in either case, the giving of the notice would defeat that purpose.
- 10.3 Sections 10.1 and 10.2 do not apply to residential premises.
- 10.4 An authorised officer of the Council is not entitled to use force to enter a premises, but may ask a justice of the peace to issue a warrant authorising entry, if they are satisfied there are reasonable grounds for entry to the premises is reasonably required for the purpose of:
- a) securing compliance with the provisions of the Act, or
  - b) ascertaining whether those provisions are being complied with.
- 10.5 'Premises' under this section include:
- a) licensed site
  - b) premises that are not licensed, but there are reasonable grounds for believing the premises are being used as a scrap metal dealing business.
- 10.6 A police officer or an authorised officer of the Council may use reasonable force in the exercise of the powers under a warrant obtained under section 10.4.
- 10.7 A police officer or an authorised officer of the Council may:
- a) require production of, and inspect, any scrap metal kept at any licensed premises
  - b) require production of, and inspect, any records kept in respect of receipt and disposal of metal
  - c) take copies of or extracts from any such record.
- 10.8 A police officer or an authorised officer of the Council must produce evidence of their identity, and evidence of their authority to exercise these powers, if requested by the owner, occupier, or other person in charge of the premises.

## **11.0 Application, renewal and variation procedure**

- 11.1 Application Form

An application form, available from the Council's website or from the Business Support Unit team, must be completed, together with the correct fee and a current basic disclosure of criminal convictions.

#### 11.2 Disclosure

A basic disclosure will be valid for three months from the date of issue. The basic disclosure is available from Disclosure Scotland

<http://www.disclosurescotland.co.uk/apply/individuals/>

#### 11.3 Additional Information

The local authority may request any additional information from the applicant, the police or relevant agencies that it thinks appropriate in order to determine the application.

If an applicant fails to provide information requested, the application may be refused.

#### 11.4 Renewal application

A renewal application must be received before the expiry of the current licence. The renewal process may be commenced three months before the expiration of a current licence.

If a licence application is refused, the licence expires when no appeal is possible, or an appeal is determined or withdrawn at the Magistrates' Court.

#### 11.5 Variation application

A variation application can be made to vary the type ie site licence to collector's licence or vice versa, content, details, site manager etc on a licence. A variation application can only be accepted in respect of an existing licence issued by Canterbury City Council.

A variation application cannot be used to transfer a licence from one person / partnership / company to another person / partnership / company; this would require a new application for a site or collectors licence.

Any change of trading name must be notified to the Council within 28 days of the change.

#### 11.6 Refusal application

If a licence application is refused, an existing licence expires when no appeal is possible, or an appeal is determined or withdrawn at the Magistrates' Court.

11.7.1 If the Council proposes to refuse an application, or to revoke, or to vary a licence by imposing conditions, a notice must be issued to the licence holder setting out the Council's proposals and the reasons for their decision. The notice will state the date, a minimum of 14 days from the date the notice was given to applicant or licensee, the applicant or licensee can either:

- a) make representations about the proposal, or
- b) inform the Council that the applicant or licensee wishes to do so.

11.7.2 Within this time the applicant or licensee must inform Council if they do not wish to make representations.

- 11.7.3 If the applicant or licensee does not make representation or notify the Council that they wish to do so, the Council may refuse, revoke or vary the licence.
- 11.7.4 If a notification is received that the applicant or licensee wishes to make representations, the Council must allow a reasonable period for them to make their representation. The Council will allow 14 days for written representations to be received from the date the application becomes contested, or the Council receives notification of the applicant having a relevant offence. The applicant or licensee may wish to make an oral representation; if this is the case the person must notify the Council within the 14 day time period.
- 11.7.5 If this time period lapses, without a written representation, or a request for an oral representation being received, the Council may refuse, revoke or vary the licence.
- 11.7.6 Where there is a representation a hearing will be arranged, and the case will be presented before the Deputy Head of Neighbourhood and Vice Chairmen of the Licensing Sub-Committee or the Licensing Sub-Committee.
- 11.7.8 The applicant or licensee will be invited to attend. The Council will give at least ten working days' notice of the date and time of the hearing to the applicant or licensee.
- 11.7.9 In the event of a refusal of an application, revocation or variation of a licence, a notice outlining the Council's decision and the reasons for it will be given to the applicant / licensee.  
The notice will include the appeal procedure.

## **12.0 Revocation and the imposition of conditions**

- 12.1 The Council may revoke a scrap metal licence if it is satisfied the licence holder does not carry on a scrap metal business at any of the sites named on the licence.
- 12.2 The Council may revoke a scrap metal licence if it is satisfied the site manager named on the licence does not act as a site manager at any of the named sites on the licence.
- 12.3 The Council may revoke a scrap metal licence if it is no longer satisfied the licence holder is no longer a suitable person to carry on the business.
- 12.4 If the licence holder, or site manager named on a licence is convicted of a relevant offence, the authority may impose one or both of the following conditions:
- a) the dealer must not receive scrap metal except between 9am and 5pm on any day;
  - b) all scrap metal received must be kept in the form in which it was received for a specified period, not exceeding 72 hours, beginning with the time when it was received.
- 12.5 A revocation or variation only comes into effect when no appeal under the Act is possible, or when such appeal has been determined or withdrawn.
- 12.6 If the authority considers the licence should not continue without the addition of one or more of the conditions in section 12.4, the licence holder will be given notice:

- a) that, until a revocation comes into effect, the licence is subject to one or both of the conditions,
- b) or that a variation comes into immediate effect.

12.7 The Council will pursue this Section of the Policy robustly.

### **13.0 Appeals**

13.1 An applicant may appeal to the Magistrates' Court against a refusal of an application or variation.

The licensee may appeal to the magistrates' court against the inclusion on the licence of a condition under Section 3(8) of the Act, or a revocation or variation of a licence under Section 4 of the Act.

The appeal procedure will be in accordance with the Magistrates' Courts Act 1980, and the Notice of Appeal must be lodged within 21 days of receipt of the decision notice, together with any fee due.

On appeal the Magistrates' Court may confirm, vary or reverse the Council's decision, and give such directions as it considers appropriate having regard to the provisions of the Act.

### **14.0 Closure of unlicensed sites (Schedule 2)**

14.1 If an authorised officer of the Council is satisfied premises are being used by a scrap metal dealer in the course of their business and the premises are unlicensed, they may issue a closure notice.

A copy of the notice must be given to:

- a) a person who appears to be the site manager, and
- b) any person who appears to be a director, manager, or other officer of the business.

A copy may also be given to any person who has an interest in the business, a person who occupies part of the premises, or where the closure may impede a person's access to that other part of the premises.

14.2 After a period of 7 days, the authorised officer may apply to a Justice of the Peace for a closure order.

The court must be satisfied the premises will continue to be used by a scrap metal dealer, or there is a reasonable likelihood that the premises will be.

A closure order will close the premises immediately, and the premises will remain closed to the public until the Council makes a termination of closure order by certificate. The scrap metal dealer must cease his business immediately and the notice will require the defendant to pay a sum into the court, which will not be released until the person has complied with the requirements of the order.



Such an order may have a condition relating to the admission of people into the premises, or may include a provision the Court considers appropriate.

A copy of the order must be placed on the premises in a prominent position by the Council.

- 14.3 Once the requirements of the order have been complied with and the Council is satisfied the need for the order has ceased, a certificate may be made.

The certificate then ceases the order and the sum of money paid into the Court is released. A copy of the certificate must be given to any person the closure order was made against, give a copy to the court and place a copy on the premises.

A copy must be given to anyone who requests one.

- 14.4 Anyone issued with a closure order may complain to a Justice of the Peace. The Court may discharge the order, if it is satisfied there is no longer a need for a closure order.

The licensing authority may be required by the Court to attend and answer the complaint made.

Notice of the hearing must be given to all people issued with the closure order.

- 14.5 Appeal may be made to the Crown Court against:

- a) a closure order;
- b) a decision not to make a closure order;
- c) a discharge order; or
- d) a decision not to make a discharge order.

Any appeal must be lodged within 21 days beginning on the day on which the order or decision was made.

- 14.6 A person is guilty of an offence, if they allow the premises to be open in contravention of a closure order, without reasonable excuse, or fails to comply with, or contravenes a closure order.

- 14.7 An authorised officer of the Authority may enter the premises at any reasonable time to ensure compliance with the order. They may use reasonable force if necessary.

- 14.8 An authorised officer must produce evidence of their identity or evidence of their authority to exercise the powers under the Act, if requested to do so.

## **15.0 Fees**

- 15.1 The fees have been set by the Council in accordance with guidance issued by the Home Office with the approval of the Treasury taking into consideration the cost of processing, administering and compliance costs associated with the licence.

The Council will review the fees on a regular basis.

## **16.0 Delegation of functions**

- 16.1 Where there are uncontested applications, or where there are no questions about the suitability of the applicant, the determination should be dealt with by the Council's Business Support Officers.
- 16.2 Contested applications where there is relevant information from any of the consultees, or queries regarding an applicant's suitability, revocation of a licence or the imposition of conditions will be presented to the Officer with Delegated Authority (ODA).
- 16.3 Each case will be considered on its merits and each officer retains the discretion to refer any matter.

Relevant convictions are defined at Appendix A.

- 16.4 Determination of policies and strategies is delegated to Cabinet.

Delegation of functions			
Application / matter to be dealt with	Licensing Officer Business Support Unit Officers	ODA or Line Managers of ODA	Licensing Sub- Committee
Determination of policies and strategies			All
Grant	If no reason to refer	If matter referred to HSN by Officers	If matter referred to Licensing Committee by ODA
Grant with conditions or refuse		ODA	If matter referred to Licensing Committee by ODA
Renewal	If no reason to refer	If matter referred to ODA by Officers	If matter referred to Licensing Committee by ODA
Renewal with conditions or refuse	If matter referred to Licensing Committee by ODA	ODA	
Replacement	All		
Variation <ul style="list-style-type: none"> <li>● Minor</li> <li>● Detailed</li> <li>● Conversion</li> </ul>	If no reason to refer	If matter referred to HSN by Officers	If matter referred to Licensing Committee by HSN
Revocation		ODA	If matter referred to Licensing Committee by HSN

## **17.0 Compliance**

17.1 In order to ensure compliance with the legislation and any conditions imposed, sites will be inspected at least once a year.

## **18.0 Enforcement**

18.1 Appropriate enforcement action will be taken in accordance with the legislation and any guidance issued under that legislation.

## **19.0 Offences and penalties**

19.1 Level 3 = £1000 fine  
Level 5 = £5000 fine.

19.2 Offences by bodies corporate

Where an offence under the Act is committed by a body corporate and is proved:

- a) to have been committed with the consent or connivance of a director, manager, secretary or similar officer, or
- b) to be attributable to any neglect on the part of any such individual the individual as well as the body corporate is guilty of the offence and liable to be prosecuted and punished accordingly.

Where the affairs of the body corporate are managed by its members, any acts or omissions committed by that member will be treated as though that member were a director of the body corporate.

<b>Scrap Metal Dealers Act 2013</b>		
<b>Section</b>	<b>Offences (all triable in the magistrates' court only)</b>	<b>Maximum penalty</b>
1(3)	Carrying on the business as a scrap metal without a licence	Level 5
8(9)	Failure to notify the authority of any changes to details given with application	Level 3
10(3)	Failure to display site licence or collector's licence	Level 3
11(6)	Receiving scrap metal without verifying persons full name and address	Level 3
11(7)	On delivery of scrap metal, providing a false name and address	Level 3
12(4) and (6)	Buying scrap metal for cash	Level 5

13 and 15(6)	Failure to keep records regarding receipt of metal	Level 5
14 and 15(6)	Failure to keep records regarding disposal of metal	Level 5
15(3), (4) and (6)	Failure to keep information and records for a period of 3 years.	Level 5
16(13)	Obstruction to right of entry or failure to produce records	Level 3
Schedule 1		
3(5)	Failure to notify changes to a licence	Level 3
5	Makes or recklessly makes a false statement in a response to a request for further information	Level 3

## Appendix A

The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013

### PART 1

#### Primary Legislation

- (a) An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989
- (b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979, where the specific offence concerned relates to scrap metal
- (c) An offence under section 110 of the Environment Act 1995
- (d) An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990
- (e) An offence under section 9 of the Food and Environment Protection Act 1985
- (f) An offence under section 1 of the Fraud Act 2006, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- (g) An offence under section 146 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012

- (h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002
- (i) Any offence under the Scrap Metal Dealers Act 1964
- (j) Any offence under the Scrap Metal Dealers Act 2013
- (k) An offence under sections 1, 8,9,10, 11, 17, 18, 22 or 25 of the Theft Act 1968, where the specific offence concerned relates to scrap metal, or is an environment-related offence
- (l) Any offence under Part 1 of the Vehicles (Crime) Act 2001
- (m) An offence under sections 85, 202, or 206 of the Water Resources Act 1991

## PART 2

### Secondary Legislation

- (a) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2007
- (b) An offence under regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010
- (c) Any offence under the Hazardous Waste (England and Wales) Regulations 2005
- (d) Any offence under the Hazardous Waste (Wales) Regulations 2005
- (e) An offence under regulation 17(1) of the Landfill (England and Wales) Regulations 2002
- (f) Any offence under the Pollution Prevention and Control (England and Wales) Regulations 2000
- (g) Any offence under the Producer Responsibility (Packaging Waste) Regulations 2007
- (h) Any offence under the Transfrontier Shipment of Waste Regulations 1994
- (i) Any offence under the Transfrontier Shipment of Waste Regulations 2007
- (j) Any offence under the Waste (Electrical and Electronic Equipment) Regulations 2006
- (k) An offence under regulation 42 of the Waste (England and Wales) Regulations 2011