

2013 No. 2258

CRIMINAL LAW

SCRAP METAL DEALERS

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

<i>Made</i> - - - -	<i>6th September 2013</i>
<i>Laid before Parliament</i>	<i>10th September 2013</i>
<i>Coming into force</i> - -	<i>1st October 2013</i>

The Secretary of State, in exercise of the powers conferred by sections 3(3)(b) and (c) and 20(4) of the Scrap Metal Dealers Act 2013^(a) makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013 and shall come into force on 1st October 2013.

(2) In these Regulations—

“environment-related offence” means an offence which relates to the transportation, shipment or transfer of waste, or to the prevention, minimisation or control of pollution of the air, water or land which may give rise to any harm;

“harm” means:

- (i) harm to the health of human beings or other living organisms;
- (ii) harm to the quality of the environment;
- (iii) offence to the senses of human beings;
- (iv) damage to property; or
- (v) impairment of, or interference with, amenities or other legitimate uses of the environment.

Relevant offences

2. For the purposes of section 3(3)(b) of the Scrap Metal Dealers Act 2013, “relevant offence” means any offence specified in the Schedule to these Regulations, and includes an offence of—

- (a) attempting or conspiring to commit any offence falling within the Schedule;
- (b) inciting or aiding, abetting, counselling or procuring the commission of any offence falling within the Schedule, and

- (c) an offence under Part 2 of the Serious Crime Act 2007^(a) (encouraging or assisting crime) committed in relation to any offence falling within the Schedule.

Relevant enforcement action

3. For the purposes of section 3(3)(c) of the Scrap Metal Dealers Act 2013, a person is the subject of “relevant enforcement action” if—

- (a) the person has been charged with an offence specified in the Schedule to these Regulations, and criminal proceedings in respect of that offence have not yet concluded; or
- (b) an environmental permit granted in respect of the person under the Environmental Permitting (England and Wales) Regulations 2010 ^(b) has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal.

Home Office
6th September 2013

Damian Green
Minister of State

SCHEDULE

Regulation 2

PART 1

Primary Legislation

- (a) An offence under section 1, 5, or 7 of the Control of Pollution (Amendment) Act 1989^(c)
- (b) An offence under section 170 or 170B of the Customs and Excise Management Act 1979^(d), where the specific offence concerned relates to scrap metal
- (c) An offence under section 110 of the Environment Act 1995^(e)
- (d) An offence under sections 33, 34 or 34B of the Environmental Protection Act 1990^(f)
- (e) An offence under section 9 of the Food and Environment Protection Act 1985^(g)
- (f) An offence under section 1 of the Fraud Act 2006^(h), 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⁽ⁱ⁾
- (h) An offence under sections 327, 328 or 330 to 332 of the Proceeds of Crime Act 2002^(j)
- (i) Any offence under the Scrap Metal Dealers Act 1964^(k)

^(a) 2007 c.27.

^(b) S.I. 2010/675. Environmental permits can be granted under regulation 13, and revoked under regulation 22.

^(c) 1989 c.14.

^(d) 1979 c.2. Section 170B was inserted by the Finance (No 2) Act 1992 (c.48), section 3, Schedule 2, paragraph 8.

^(e) 1995 c.25.

^(f) 1990 c.43. Section 34B was inserted, in relation to England and Wales, by the Clean Neighbourhood and Environment Act 2005(c.16), section 46.

^(g) 1985 c.48.

^(h) 2006 c.35.

⁽ⁱ⁾ 2012 c.10. Section 146 is to be repealed by section 19(1)(f) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.

^(j) 2002 c.29.

^(k) 1964 c.69. This Act is to be repealed by section 19(1)(a) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.

- (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(a), 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(b)
- (m) An offence under sections 85, 202, or 206 of the Water Resources Act 1991(c).

PART 2

Secondary Legislation

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

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- (a) 1968 c.60.
 - (b) 2001 c.3. Part 1 of this Act is to be repealed by section 19(1)(d)(i) of the Scrap Metal Dealers Act 2013, which has not yet been commenced.
 - (c) 1991 c.57. Section 85 was repealed by S.I. 2010/675 regulation 107 and Schedule 26, Part 1 paragraph 8(2)(a).
 - (d) S.I. 2007/3538. Regulation 38 was revoked by S.I. 2010/675, regulation 108(1) and Schedule 27.
 - (e) S.I. 2010/675.
 - (f) S.I. 2005/894.
 - (g) S.I.2005/1806.
 - (h) S.I.2002/1559. These Regulations were revoked by S.I. 2007/3538, regulation 74(1) and Schedule 22.
 - (i) S.I. 2000/1973. These Regulations were revoked by S.I. 2007/3538, regulation 74(1) and Schedule 22.
 - (j) S.I. 2007/871
 - (k) S.I. 1994/1137. These Regulations were revoked by S.I. 2007/1711, regulation 60(1)(a) and (2).
 - (l) S.I. 2007/1711.
 - (m) S.I. 2006/3289.
 - (n) S.I. 2011/988.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe relevant offences and relevant enforcement action for the purposes of section 3(3)(b) and (c) of the Scrap Metal Dealers Act 2013. Pursuant to section 3(2) of that Act, where a local authority is processing an application for a scrap metal licence and is evaluating whether the applicant is a suitable person to carry on business as a scrap metal dealer, the local authority may have regard to whether the applicant or any site manager has been convicted of a relevant offence, or has been the subject of any relevant enforcement action.

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