

GUIDANCE NOTES TO ACCOMPANY SCRAP METAL DEALERS ACT 1964

1. For the purpose of the Act a person carries on a business as a scrap metal dealer if he carries on a business which consists wholly and/or partly of buying and selling scrap metal, whether the scrap metal sold is in the form in which it was bought or otherwise. It does not include a business, where scrap metal is bought for materials for the manufacture of other articles or sold as a by-product, or as surplus materials bought but not required, for such manufacture.
2. Scrap metal includes any old metal, and any broken, worn out, defaced or partly manufactured articles made wholly/partly of metal, and any metallic wastes, and also includes old, broken, worn out or defaced tooltips or dies made of any of the materials commonly known as hard metals or of cemented or sintered metallic carbides.
3. If any event occurs which involves an alteration of those particulars on the application form, the dealer **shall** give notice of the alteration to Torfaen County Borough Council and the authority shall thereupon amend the register accordingly.
4. If the dealer ceases to carry on business as a scrap metal dealer in the area of Torfaen County Borough Council, the dealer **shall** give notice of the fact to Torfaen County Borough Council and the authority shall thereupon cancel the entry relating to him in the register.
5. Any notice required to be given to Torfaen County Borough Council, shall be given within the period of twenty-eight days beginning with the day on which the event in question occurs.
6. A constable may enter and inspect at any reasonable time any premises registered by the local authority, and require production for inspection of any scrap metal kept at that place together with the records referred to above. Obstructing a constable exercising this right, or failing to produce records for inspection, is an offence under the Act.
7. Torfaen County Borough Council has powers of entry to ascertain if premises are being used as a scrap metal store.

Address correspondence to:

Public Health Team
Planning & Public Protection Department
Torfaen County Borough Council
County Hall
Croesyceiliog
Cwmbran NP44 2WN
Tel: 01633 647622
Email: public.health@torfaen.gov.uk

Torfaen County Borough Council uses SMARTWATER® Forensic Technology to help catch fly tippers and combat metal theft.



SCRAP METAL DEALERS CONDITIONS OF REGISTRATION

Note: All registered scrap metal dealers are legally bound by the following requirements as prescribed in the Scrap Metal Dealers Act 1964.

1. If a registered dealer ceases to carry on business as a scrap metal dealer in the Torfaen County Borough Council area, the dealer **shall** give notice of this to the public health team within **28 days** of ceasing to trade.
2. The registered dealer has the following obligations under the Scrap Metal Dealers Act 1964
 - A. A bound log or receipt book must be kept at the scrap metal store (*being either the business or home address*) for **2 years** from the date of the last entry.
 - B. The information required for the log/receipt book relates to both scrap metal received and despatched from or processed at the store and should record the following information in relation to scrap metal received:
 - a) the description and weight of the scrap metal;
 - b) the date and time of the receipt of the scrap metal;
 - c) if the scrap metal is received from another person, the full name and address of that person;
 - d) the price, if any, payable in respect of the receipt of the scrap metal, if that price has been ascertained at the time when the entry in the book relating to that scrap metal is to be made;
 - e) where d) does not apply, the value of the scrap metal at the time when the entry is to be made as estimated by the dealer;
 - f) in the case of scrap metal delivered by means of a mechanically propelled vehicle (i.e. a motor vehicle such as a car, van or lorry) bearing a registration mark (whether the vehicle belongs to the dealer or not), the registration number of the vehicle must be recorded in the log/receipt book.
 - C. And the following information in relation to scrap metal despatched or processed:
 - a) the description and weight of the scrap metal;
 - b) the date of processing or, as the case may be, despatch of the scrap metal, and, if processed, the process applied;
 - c) in the case of scrap metal despatched on sale or exchange, the full name and address of the person to whom the scrap metal is sold or with whom it is exchanged, and the consideration for which it is sold or exchanged;
 - d) in the case of scrap metal processed or despatched otherwise than on sale or exchange, the value of the scrap metal immediately before its processing or despatch as estimated by the dealer.

3. A dealer who does not carry on his business from a scrap metal store **must** keep the book(s) at his usual place of residence or at any other place occupied by him wholly or partly for the purposes of his business as a scrap metal dealer.
4. Any person who fails to comply with the requirements imposed on him by the Act shall be guilty of an offence and liable on summary conviction to a fine.

5. Offences under the Act:

It is an offence to:

- a) carry on business as a scrap metal dealer without having been registered by the local authority in which the dealer resides (Torfaen County Borough Council in this case)
 - b) acquire any scrap metal from a person **under the age of sixteen**, whether the scrap metal is offered by that person on his own behalf or on the behalf of another person.
 - c) failing to notify a local authority that a business has ceased
 - c) fail to keep the above prescribed records.
 - d) handle stolen goods.
 - e) Obstructing entry of an authorised officer or police constable or failing to produce any book or document which the officer or police constable has a right to inspect
6. Any person who fails to comply with the requirements imposed on him by the Act shall be guilty of an offence and liable on summary conviction to a fine.
 7. The Magistrates' Court has the power to impose additional obligations on convicted dealers.
 8. The registration is valid for **3 years** from the issue date.
 9. Any changes to the details on this registration **must** be notified to the Public Health Team of Torfaen County Borough Council **within 7 working days** of the changes coming into effect.

"Itinerant collector" means a person regularly engaged in collecting waste materials, and old, broken, worn out or defaced articles, by means of visits from house to house.

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