

Scrap Metal Dealers Act 1964

• Records of dealings

(1) Subject to the provisions of this and the next following section, every scrap metal dealer shall, at each place occupied by him as a scrap metal store, keep a book for the purposes of this section, and shall enter in the book the particulars required by this section with respect to:-

- (a) all scrap metal received at that place, and
- (b) all scrap metal either processed at, or despatched from, that place:

Provided that at any such place a scrap metal dealer may at his option keep two books for the purposes of this section, one for recording the said particulars with respect to scrap metal falling within paragraph (a) of this subsection and the other for recording the said particulars with respect to scrap metal falling within paragraph (b) thereof, but shall not at any one place and at any one time have in use, for the purposes of this section, more than one book for recording the said particulars with respect to scrap metal falling within each of those paragraphs.

(2) The said particulars, in the case of scrap metal falling within paragraph (a) of the preceding subsection, are:-

- (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 the last preceding paragraph 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 at the place in question by means of a mechanically propelled vehicle bearing a registration mark (whether the vehicle belongs to the dealer or not), the registration mark borne by the vehicle.

(3) The said particulars, in the case of scrap metal falling within subsection (1)(b) of this section, are:-

- (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 dispatch as estimated by the dealer.

(4) Any particulars required to be entered in a book by virtue of the preceding provisions of this section, in respect of scrap metal falling within subsection (1)(a) of this section, shall be so entered immediately after the receipt of the scrap metal at the place in question; and any particulars so required to be entered, in respect of scrap metal falling within subsection (1)(b) of this section, shall be so entered immediately after the processing or despatch.

(5) Any book kept by a person in pursuance of subsection (1) of this section shall be a bound book kept exclusively for the purposes of this section and shall be retained by him until the end of the period of two years beginning with the day on which the last entry was made in the book.

(6) Any person who fails to comply with any of the requirements imposed on him by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) In this section “processing”, in relation to scrap metal, includes melting down and any other process whereby the material ceases to be scrap metal, but does not include dismantling or breaking up, and “processed” shall be construed accordingly.

• **Special provisions as to records in certain cases:**

(1) Where a person, who is registered by a local authority under this Act as a scrap metal dealer, satisfies the authority that he carries on, or proposes to carry on, the business of a scrap metal dealer as part of the business of an itinerant collector, and not otherwise, the authority may make an order directing that, while the order remains in force, he shall be exempt from the requirements of the last preceding section, but instead shall be subject to the following requirements, that is to say:-

(a) that, on the sale by him of any scrap metal, he shall obtain from the purchaser a receipt showing the weight of the scrap metal comprised in the sale and the aggregate price at which it is sold; and

(b) that he shall keep every such receipt as he is required to obtain under the preceding paragraph, until the end of the period of two years beginning with the day on which the receipt is obtained, in such a way as to be able to produce it on demand to any person authorised, in accordance with the following provisions of this Act, to require its production.

(2) A local authority shall not make an order under the preceding subsection except after consultation with the chief officer of police for the police area (or, if more than one, for every police area) in which the area of the local authority, or any part of their area, is comprised.

(3) An order under subsection (1) of this section may be revoked at any time by the local authority by whom it was made.

(4) Any person who fails to comply with any of the requirements imposed on him by virtue of the

foregoing provisions of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) Where a scrap metal dealer does not occupy any place as a scrap metal store, but for the time being no order under subsection (1) of this section is in force exempting him from the requirements of the last preceding section, the provisions of that section shall apply to him subject to the following modifications, that is to say:-

- (a) any reference to keeping a book at each place occupied by the dealer as a scrap metal store shall be construed as a reference to keeping a book either 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;
- (b) any reference to the receipt of scrap metal at a place shall be construed as a reference to the receipt of scrap metal for the purposes of that business;
- (c) any reference to the processing of scrap metal at a place, or to the despatch of scrap metal from a place, shall be construed as a reference to the disposal of scrap metal in the course of that business;
- (d) subsection (4) of that section shall be omitted, and any particulars required to be entered in a book by virtue of this subsection shall be so entered as soon as is practicable.

(6) Where a scrap metal dealer occupies a place as a scrap metal store, but for the time being no order under subsection (1) of this section is in force exempting him from the requirements of the last preceding section, and any scrap metal is, for the purposes of his business as a scrap metal dealer, received otherwise than at a place so occupied by him and is disposed of in the course of that business without its being received at such a place, then:-

- (a) the obligation imposed by subsection (1) of the last preceding section to enter particulars in a book or books shall extend to the entry, as soon as is practicable, of the like particulars with respect to that scrap metal as would be required by subsections (2) and (3) of the last preceding section if they were modified so that:-
 - (i) any reference therein to the receipt of scrap metal at a place were construed as a reference to the receipt of scrap metal for the purposes of that business; and
 - (ii) any reference therein to the processing of scrap metal at a place or to the despatch of scrap metal from a place, were construed as a reference to the disposal of scrap metal in the course of that business;
- (b) if the dealer occupies more than one place as a scrap metal store, the particulars required by virtue of the preceding paragraph shall be entered in the book or books kept by him under the last preceding section at such of the places so occupied by him as is the nearer, or, as the case may be, the nearest, to the place at which the scrap metal is received for the purposes aforesaid; and
- (c) subsection (4) of the last preceding section shall not have effect in relation to the particulars so required.