

**Guidance on the Provision of the Motor Salvage Operators Regulations 2002
and
The Rehabilitation of Offenders Act 1974**

- a) The Motor Salvage Operators Regulations 2002 require that a person is required to be registered as a motor salvage operator if he carries on a business, which consists-
- i) wholly or partly in the recovery for re-use or sale of salvageable parts from motor vehicles and the subsequent sale or other disposal for scrap of the remainder of the vehicles concerned;
 - ii) wholly or mainly in the purchase of written-off vehicles and their subsequent repair or re-sale;
 - iii) wholly or mainly in the sale or purchase of motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (i) or (ii); or
 - iv) wholly or mainly in activities falling within paragraphs (ii) or (iii)
- b) A Local Authority shall, on receiving an application to registered a person as a motor salvage operator, satisfy itself that the applicant is a fit and proper person to carry on such a business. In deciding whether they are so satisfied the Local Authority shall have regard to -
- i) whether the applicant has been convicted of any offences under the Vehicle Crimes Act 2001, and;
 - ii) whether the applicant has been convicted of any offences of a description specified by the Secretary of State by order.
- (a list of the offences can be seen at the end of these guidance notes)
- c) An entry in the motor salvage operator's register is valid for three years from the date of entry and should be renewed prior to the expiration of that period.

▪ **Right to make representation**

Where an applicant is refused registration, as a motor salvage operator, he will be advised, in writing, and given the opportunity to make representations to the Council. Guidance will be given in these procedures if applicable.

▪ **Specified offences**

Any unspent convictions for the following offences: -

- a) theft or attempted theft of or from a motor vehicles, contrary to Section 1 of the Theft Act 1968;
- b) taking a motor vehicle without consent, contrary to Section 12 of the Theft Act 1968;

- c) aggravated vehicle taking, contrary to Section 12A of the Theft Act 1968;
- d) handling stolen goods, contrary to Section 22 of the Theft Act 1968;
- e) going equipped to steal or take a motor vehicle, contrary to Section 25 of the Theft Act 1968;
- f) interference with a motor vehicle, contrary to Section 9 of the Criminal Attempts Act 1981;
- g) tampering with a motor vehicle, contrary to Section 25 of the Road Traffic Act 1988;
- h) convictions for offences under Part 1 of the Vehicle Crimes Act 2001.
- i) and also any case of undischarged bankruptcy of the applicant or any directors or partners of the applicant business.

The Rehabilitation of Offenders Act 1974 provides that certain convictions shall be regarded as 'spent' after specified periods of time have elapsed. However you do need to disclose all convictions at the date you submit the signed and dated application form.

Details of relevant convictions and time periods are as follows:-

Sentence	Becomes Spent After
For a sentence of Imprisonment or youth custody exceeding 6 months but not exceeding 30 months.	10 years
For a sentence of imprisonment or youth custody not exceeding 6 months.	7 years
For a sentence of borstal training.	7 years
For a fine or other sentence not otherwise covered in this table.	5 years
For an absolute discharge.	6 months
For a probation order, conditional discharge or bind over; and for fit person orders, supervision orders or care orders under the Children and Your Persons Act (and their equivalents in Scotland)	5 years or 2 ¹ / ₂ years, if under 18 years of age at the time of conviction, or until the order expires (whichever is the longer)
For cashiering, discharge with ignominy or dismissal from the Armed Forces.	10 years
For simple dismissal from the Armed Forces.	7 years
For detention by the Armed Forces.	5 years

Sentence	Becomes Spent After
For detention by direction of the Home Secretary:-	
For a period exceeding 6 months but not exceeding 30 months.	5 years
For a period not exceeding 6 months.	3 years
For a remand home order, an approved school order, or an attendance centre order.	The period of the order plus a further year after the order expires.
For a hospital order under the Mental Health Acts	The period of the order, plus a further 2 years after the order expires (with a minimum of 5 years from the date of conviction)

Notes: -

- (i) A sentence of more than 30 months imprisonment or youth custody can never become spent.
- (ii) If you were under 17 years of age on the date of conviction for any of the sentences except those under the heading "for detention by direction of the Home Secretary" please halve the period shown in the right-hand column.
- (iii) It is immaterial for the purposes of calculating for a spent conviction whether a sentence is suspended or not.

▪ **For further information or advice please contact the Licensing Section**

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