Pedlars, Scrap Metal Dealers & Motor Salvage Operators Guidance

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1. PEDLARS Summary

1.1 Pedlars must have a Pedlar’s Certificate to trade.

1.2 The police are authorised to give out Pedlar’s Certificates and must retain a register of all pedlars who receive certificates as well as those who are refused.

2. SCRAP METAL DEALERS Summary

2.1 Scrap metal dealers must be registered with the Local Authority to trade.

2.2 Scrap metal dealers must maintain records of all business transactions.

2.3 Scrap metal dealers must not pay cash for scrap metal purchased. Payment will be by means of a cheque or electronic transfer of cash.

2.4 Areas must retain records of all registered dealers, and visit dealers to ensure compliance with regulations.

3. MOTOR SALVAGE OPERATORS Summary

3.1 Motor salvage operators must be registered with the Local Authority to trade.
3.2 Motor salvage operators must keep records of all business transactions either in electronic or manual form.

3.3 Motor salvage operators can pay cash for the purchase of scrap vehicles although a scrap metal dealer cannot and must pay by means of a cheque or electronic transfer of funds. The distinction being the vehicle dismantler dismantles the vehicle into parts that will be sold on whereas the scrap metal dealer simply crushes the vehicle.

3.4 Records in either form must be available at the registered place of business.

3.5 Police have right of entry without warrant at any reasonable time to inspect vehicles or salvageable parts. Records can be inspected, copied or extracts removed.

3.6 Force cannot be used to enter the premises and police, if requested, must produce evidence of their identity and their authority.

4. PEDLARS

4.1 The Pedlars Act 1871 requires that pedlars hold a valid certificate in order to follow their trade. For a definition of the term ‘pedlar’, see ‘Definitions of Terms Used in this Guidance’.

4.2 Issue of Certificates

4.2.1 The Act authorises a Chief Constable, or an officer delegated by him/her, to issue Pedlar’s Certificates. For North Wales Police, the responsibility has been delegated to the Territorial Area Commanders and their operational deputies.

4.2.2 When deciding to issue a Pedlar’s Certificate, the officer responsible must be satisfied that applicants are:

- over 17 years of age
- of good character
- intending to carry on the trade of pedlar in good faith

4.2.3 The decision to award a Pedlar’s Certificate must be made without discrimination on any ground such as:

- sex
- race
- colour
- language
- religion
- political opinion
• national or social origin
• association with a national minority
• property
• birth

or other status, as stated under Article 14 of the Human Rights Act 1998.

4.2.4 Applications for a certificate will be dealt with by the Area in which the pedlar resides. All applicants’ details will be checked on the Police National Computer (PNC). If, for any reason, the applicant is believed to be unsuitable, this should be drawn to the attention of the Territorial Area Commander.

4.3 **Registering Certificates**

4.3.1 For first time applicants, a report on their suitability will be required. It should be noted that there is potential here for interference with Article 8 of the Human Rights Act 1998 – an individual’s ‘right to respect for private and family life’. Interference is acceptable, however, where it is in the interests of crime prevention. For all applications, decisions to either issue or refuse a certificate must be recorded. Records must be maintained within a register of certificates for each Area and retained for a period of six years, in accordance with the North Wales Police (NWP) Retention Schedule. A Pedlar’s Certificate will remain in force for one year from the date of issue.

4.4 **Appeal Against Refusal of Certificate**

4.4.1 Should the granting of a certificate be refused, the applicant may appeal to a summary court having jurisdiction in the place where the grant was refused, in accordance with the Pedlars Act 1871. The applicant must give notification of the appeal to the police within one week of the refusal.

4.5 **Production of Certificate**

4.5.1 Any pedlar shall at all times, on demand, produce and show his / her certificate to a Police Constable or officer of police. Any pedlar who refuses on demand to allow it to be read and a copy taken will commit a summary offence (Level 1 of Fine Levels on the Standard Scale).

5. **SCRAP METAL DEALERS**

5.1 The Scrap Metal Dealers Act 1964 requires that all individuals wishing to carry on the trade of scrap metal dealer be registered with the Local Authority. Registered dealers must maintain records of all business transactions.
5.2 **Register of Scrap Metal Dealers**

5.2.1 Areas must maintain records of all scrap metal dealers registered with the Local Authority. Records must be retained for a period of three years. Area Commanders must also ensure that registered dealers are visited to ensure compliance with regulations, and records of these visits must be maintained.

5.2.2 The Local Authority cancels entries after three years unless the dealer applies for an extension of another three years. A dealer must notify the Local Authority within 28 days of any change in particulars or if he/she ceases to trade.

5.3 **Record of Dealings**

5.3.1 Each scrap metal dealer must keep one book at every scrap metal store he/she occupies. The book will contain records of all scrap metal received at that place and processed at, or dispatched from, that place. Additionally, as a result of the Vehicles (Crime) Act 2001, scrap metal dealers must notify the DVLA (Driver Vehicle Licence Agency) of all vehicles disposed of.

5.3.2 All scrap metal dealers adhere to the identification terms of Operation Tornado. Consequently in order to sell to a scrap metal dealer in North Wales there is an expectation, the dealer will require the production of a photo-id driving licence and if one is not available then the seller will be required to produce a passport + a utility bill less than 3 months old. If these are not produced the scrap dealer should NOT be purchasing the metal. If it transpires during a visit to a scrap metal dealer that they are not adhering to this procedure then the fact they are not should be made subject of an intel submission.

5.4 **Itinerant Scrap Metal dealers**

Itinerant scrap metal dealers [door to door] must register with the local authority in the area where they reside in order to trade in scrap metal. From the 3rd December they can no longer pay cash for scrap metal and must pay by means of a cheque or electronic transfer of funds from them to the seller of the metal they purchased. In order to continue to pay cash the Itinerant scrap metal dealer must obtain a section 3[1] exemption under the Scrap Metal Dealers Act 1964 from the council in the area where they reside. In considering whether or not to grant an exemption the local authority will consult with the police and they will undertake suitable checks of the PNC and advise the council “The applicant has relevant offences” or “The applicant has no relevant offences”. This disclosure will assist the local authority in making a decision on whether or not to issue an exemption.
5.5 Production of Record Of Dealings

5.5.1 Area Commanders must ensure that registered dealers are visited to ensure compliance with regulations, and that these visits are recorded. Police Constables may at all reasonable times:
- enter and inspect any place registered as a scrap metal store or place occupied by a scrap metal dealer for the purposes of his / her business
- require the production of, inspect, and take copies of any book required to record scrap metal dealings

5.5.2 Entry to any place by force is only permissible under the authority of a warrant granted by a Justice of the Peace.

5.5.3 Any person who obstructs the right of entry or inspection will be guilty of a summary offence (not exceeding Level 1 of Fine Levels on the Standard Scale).

6. MOTOR SALVAGE OPERATORS

6.1 The Vehicles (Crime) Act 2001 imposes regulations on motor salvage operators that make it more difficult for criminals to dispose of stolen vehicles. The regulation of the motor salvage industry will require operators to register with the Local Authority, maintain records of purchases and disposals carry out identification checks of vendors and purchasers, and will allow the police to enter and search their premises without a warrant, and without force. Should the police suspect a motor salvage operator of being unlicensed, police may obtain a warrant to search the premises, using reasonable force if necessary.

6.2 Motor Salvage Operators – registration

6.2.1 From the 21st of October 2002 all persons or businesses that carry out the trade of motor salvage or vehicle dismantling must register the business with the Local Authority in which area it trades. The Local Authority will establish, maintain, and make available for the public inspection a register of businesses registered in their area. Registration will last for three years.

6.3 Motor Salvage Operators – keeping of records

6.3.1 The motor salvage operator must maintain records, which must be located at the place of business. The records can be in either electronic or manual format and must be retained for six years from the last entry.

6.3.2 The records for the purchase or the sale must include:
- Details of the vehicle (including registration number, VIN, make, model and colour)
• Name and address of the supplier of the vehicle
• Details of proof of identity shown to the salvage operator of the supplier (driving licence, passport, utility bill, rent book or other form of ID with a photograph)
• General condition of the vehicle, (e.g. damage caused by fire water or impact) and part of the vehicle damaged
• The date the above details were entered on the record
• If for any reason the vehicle is left / collected without proof of ID, then this fact must be entered in the record; it should be treated as an abandoned vehicle and reported to the police and Local Authority.

6.3.3 The vehicle dismantler can pay cash for scrap vehicles and is not affected by the cashless provisions affecting the scrap metal yards.

6.3.4 There are requirements for the police to maintain records of visits. Should a search be conducted without warrant, this will be recorded in the Area search register.

6.4 Inspection of records and premises

6.4.1 A police officer may at any reasonable time without force:
• Require production of, and inspect, any motor vehicles or salvageable parts kept on the registered premises
• Require production of, inspect, and take copies of or extracts from any records that the person registered is required to keep

A police officer must, if required by the person in charge of the premises at that time, produce evidence of their identity and their authority for entering.

6.5 Unregistered premises

6.5.1 When a police officer suspects that premises are being used for motor salvage without a licence, a warrant must be obtained to enter and inspect the premises. Reasonable force may be used.

6.5.2 The Environment Agency Wales must be notified of any unlicensed yards prior to any police action.

7. DEFINITIONS OF TERMS USED IN THIS GUIDANCE

7.1 PEDLAR: "any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person, who, without any horse or other beast drawing burden, travels and trades on foot and goes from town to town or to other men's houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale..."
his skill in handicraft". (Certificates are not required by commercial travellers, sellers of fish or sellers in fairs).

7.2 **MOTOR SALVAGE OPERATOR:** An individual carrying on a business which:

- Consists wholly or partly in the recovery for reuse or sale of salvageable parts from motor vehicles, and the subsequent sale or other disposal for scrap of the remainder of the vehicle concerned.
- Consists wholly or mainly in the purchase of written-off vehicles and their subsequent repair and resale.