

## Scrap Metal Dealers Act 2013 Declaration of Convictions

To enable the Licensing Authority to determine the suitability of an individual to hold a Scrap Metal Dealers Licence under the above Act, applicants for the grant or renewal of a Scrap Metal Dealers Site Licence or Collector's Licence are required to disclose **all** convictions or relevant enforcement actions recorded against them.

The Scrap Metal Dealers (Relevant Offences) Regulations 2013 set out a number of offences to which the Licensing Authority will have particular regard to when considering suitability. For ease of reference a list of those offences can be found at the end of this document.

**YOU MUST DECLARE ALL CONVICTIONS OR RELEVANT ENFORCEMENT ACTIONS. IF YOU ARE IN ANY DOUBT AS TO WHAT IS REQUIRED, YOU CAN CONTACT A MEMBER OF THE COUNCIL'S LICENSING TEAM FOR ADVICE**

It is an offence under Schedule 1, paragraph 5 of the Scrap Metal Dealers Act 2013 to make a statement knowing it to be false in a material particular, or, recklessly make a statement which is false in a material particular. This offence carries a maximum sentence, on summary conviction not exceeding level 3 on the standard scale.

As a relevant offence, such a conviction may also adversely affect your suitability to hold a scrap metal dealers licence.

Please complete:

I ..... of .....  
(Print full name) (Print full address)

Date of birth .....Place of birth .....

Do solemnly and sincerely declare that:

I HAVE NOT been convicted of any offences or subject to any relevant enforcement actions \*

Or

I HAVE been convicted of the offences or subject to relevant enforcement actions listed overleaf \*  
(\*delete as appropriate)

Date of Offence	Date of Conviction / Enforcement action	Offence	Details of Court or Enforcing Body (e.g. Leyland Magistrates Court, Environment Agency)	Sentence or type of enforcement action

Date .....20.....

Signature of Applicant \_\_\_\_\_

Position held in Company \_\_\_\_\_

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**FAILURE TO DECLARE ALL CONVICTIONS AND RELEVANT ENFORCEMENT ACTIONS MAY RESULT IN PROSECUTION AND WILL FORM PART OF THE LICENSING AUTHORITY'S ASSESSMENT OF YOUR SUITABILITY TO HOLD A SCRAP METAL DEALERS LICENCE OR HOLD THE POSITION OF SITE MANAGER**

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Excerpt from: **The Scrap Metal Dealers Act 2013 (Prescribed Relevant Offences and Relevant Enforcement Action) Regulations 2013**

***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(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 has been revoked in whole, or partially revoked, to the extent that the permit no longer authorises the recovery of metal.

**SCHEDULE - Part 1 - Primary Legislation**

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

**SCHEDULE - Part 2 - Secondary Legislation**

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