



Application for Registration as a Motor Salvage Operator

Vehicles Crime Act 2001 The Motor Salvage Operators Regulations 2002

Reference: _____

To : *Blaenau Gwent County Borough Council*

[I] [We] HEREBY APPLY for [renewal of] Registration as a Motor Salvage Operator within the area of the Council. A fee of £50.00 accompanies this application.

1. Full name(s), residential address(es) and dates(s) of birth of applicant, or of all directors or partners if the applicant business is a company or partnership.

2. Address of each place in the Council's area occupied by the applicant wholly, mainly or partly for the purpose of carrying out a business as a motor salvage operator (as defined in section 1(2) of the Vehicles (Crime) Act 2001.

3. If any previous application for registration has been refused, state which Local Authority refused the application and the reasons for refusal.

4. Give any details of convictions, if any, of the applicant or any director or partner of the applicant business for any offence under Part 1 of the 2001 Act.

5. Give details of convictions, if any, of the applicant or any other director or partner of the applicant's business for any offence specified in an Order made by the Secretary of State under s. 3(4)(b) of the 2001 Act.

6. State whether the applicant or any director or partner of the applicant of the business is a bankrupt.

DATE _____

SIGNED _____

[on behalf of _____]

When completed please return to

Blaenau Gwent County Borough Council
Environmental Health Section
Abertillery District Office
Mitre Street
Abertillery
NP13 1AE

EXPLANATORY NOTES

1. REGISTRATION

- 1.1 It is an offence to carry on a business as a motor salvage operator, unless registered with the local authority in whose area the business is situated.
- 1.2 The authority has a duty to maintain a register of motor salvage operators, which will contain details of the operator and the business premises. The public have a right to inspect this register and may obtain certified copies on payment of a fee.
- 1.3 A person carries on a business as a motor salvage operator if it consists:-
- i. wholly or partly in the recovery for re-use or sale of salvageable parts from motor vehicles and the subsequent sale of 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 and resale;
 - 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) and (ii); or
 - iv. wholly or mainly in activities falling within paragraphs (ii) and (iii).
- 1.4 When an application is received for registration as a motor salvage operator, the local authority must satisfy itself that the applicant is a fit and proper person to carry on such a business and shall, in particular, have regard to –
- i. whether the applicant has been convicted of any offences under Part 1 or the Vehicles (Crime) Act 2001; and
 - ii. whether the applicant has been convicted of any of the following offences specified in the Motor Salvage Operators (Specified Offences) Order 2002:-
 - a. theft or attempted theft of or from a motor vehicle, contrary to Section 1 of the Theft Act 1968;
 - b. taking motor vehicle without consent, contrary to Section 12 of the Theft Act 1968;
 - c. aggravated vehicle taking, contrary to Section 22 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 23 of the Theft Act 1968;
 - f. interference with a motor vehicle, contrary to Section 9 of the Criminal Attempt Act 1981;
 - g. tampering with a motor vehicle, contrary to Section 25 or the Road Traffic Act 1988.
- 1.5 Before reaching its decision, the local authority will require applicants to complete a form, requesting the Police to supply information about them, which will then be taken into consideration, together with any information supplied by the applicants.
- 1.6 Each registration will be valid for a period of three years. Applications for renewal must be submitted before the expiry date and the registration shall be deemed to continue to be in force until the application has been determined, withdrawn or dealt with on appeal.
- 1.7 A local authority may cancel a person's registration, at any time, if it is satisfied that:-
- i. the person registered is no longer a fit and proper person to carry on a business as a motor salvage operator;
 - ii. the person registered is no longer carrying on a business as a motor salvage operator and has not been doing so for a period of at least 28 days.

1.8 Section 5 of the Vehicles (Crime) Act 2001 provides a right for motor salvage operators to make representations to the local authority, when it proposes to refuse, or renew an application for registration, or when it proposes to cancel a registration.

2. KEEPING OF RECORDS

2.1 Every registered person must keep certain records, as detailed below, of the receipt, sale or disposal of any vehicle. These records may be maintained in either electronic or manual form and must be located at or, in the case of electronic records, accessible from the registered place of business. The records must be kept for a period of six years from the date of the last entry on the record for the vehicle.

2.2 The following information must be recorded when a vehicle is received:-

- i. details of the vehicle registration number, vehicle identification number, make, model and colour of the vehicle;
- ii. the name, address and contact details of the supplier of the vehicle;
- iii. details of any proof of identity shown to the registered person by, or on behalf of the supplier of the vehicle, to establish the identity of the vehicle supplier, including whether any document produced was a UK photocard driver's licence, a passport, a utility bill, council tax bill or rent book, or other form of identification containing a photograph of the vehicle supplier;
- iv. the general condition of the vehicle, including details of the type of damage to the vehicle (for example whether the damage has been caused by fire, water or impact) and the part of the vehicle damaged;
- v. the date on which the information referred to in sub-paragraphs (i)-(iv) above was entered on the record.

2.3 The following information must be recorded when a vehicle is sold or otherwise disposed of:-

- i. the date of sale or other disposal of the vehicle;
- ii. the name, address and contact details of the person receiving the vehicle;
- iii. details of any proof of identity shown to the registered person by, or on behalf of the supplier of the vehicle, to establish the identity of the vehicle supplier, including whether any document produced was a UK photocard driver's licence, a passport, a utility bill, council tax bill or rent book, or other form of identification containing a photograph of the vehicle purchaser;
- iv. the condition of the vehicle at the time of the sale or other disposal. (For example, whether it was repaired, unrepaired, dismantled, or in the same condition as at purchase).
- v. The date when the information referred to in sub-paragraph (i)-(iv) above was entered on the record.

3. OFFENCES

3.1 The Vehicles (Crime) Act 2001 provides for the following offences:-

- i. Any person who carries on a business as a motor salvage operator in the area of a local authority without being registered for that area – a fine not exceeding £5,000;
- ii. Knowingly or recklessly making a false statement in a material particular when making an application for registration – a fine not exceeding £1,000 – or a fine not exceeding £5,000 if :-
 - a. Any previous application to the local authority concerned for registration or renewal of registration was refused;
 - b. Any previous registration in the register of the local authority concerned was cancelled.
- iii. failure to notify local authority of the following – a fine not exceeding £1,000 :-
 - a. any changes affecting in a material particular the accuracy of the information provided in connection with an application for registration or renewal of registration;
 - b. any changes affecting the entry in the register within 28 days of the changes occurring;

- c. the operator has ceased to carry on business as a motor salvage operator, within 28 days of the beginning of the period in which he is not carrying on business.
- iv. any person who, on selling a motor vehicle to a person who in the course of carrying on business as a motor salvage operator, gives that person a false name or address – a fine not exceeding £1,000;
- v. failure to keep records in the manner prescribed by the Motor Salvage Operators Regulations 2002 – a fine not exceeding £2,500.

4. RIGHTS TO ENTER AND INSPECT PREMISES

4.1 A constable may at any reasonable time enter and inspect registered premises. He may also require production of and inspect :-

- i. any motor vehicles or salvageable parts kept at the registered premises;
- ii. any records which the person carrying on business as a motor salvage operator is required to keep at the premises and may take copies of or extracts from such records.

4.2 A constable, in seeking to enter any premises, shall, if required by or on behalf of the owner or occupier or person in charge of the premises, produce evidence of his identify and of his authority for entering, before doing so.