

Vehicle (Crime) Act, 2001
The Motor Salvage Operators Regulations 2002

What are these Regulations?

- The Regulations require a person, including a body corporate who carries on a business as a Motor Salvage Operator to apply to be registered with the Local Authority. If the Operator is considered to be a fit and proper person (see later) they will be issued with a certificate of registration and their details will be entered onto a register. The registration lasts for a period of three years.
- The aim is to reduce the opportunity for disposing of stolen vehicles within the salvage industry by, for example:
 - “ringing” – giving the identity of legitimate vehicles which have been seriously damaged or written-off to stolen vehicles.
 - breaking up stolen vehicles for their component parts which are then reused to repair other vehicles or sold into the market for second hand spares.
 - Disposing of vehicles and then fraudulently reporting them as stolen to insurance companies.

Who will need to be registered as a Motor Salvage Operator?

Any person including a body corporate, is considered to be a Motor Salvage Operator if he carries on a business which consists –

- (a) wholly or partly in the recovering 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;
- (b) wholly or mainly in the purchase of written-off vehicles and their subsequent repair and re-sale;

How do I apply to be registered?

Complete the attached application form with the following information:

- name, residential address and date of birth of each application, or of all directors or partners if the business is a company or partnership
- address(es) where applicant is carrying on the business of a Motor Salvage Operator
- details of any previous refusal against registration, the name of the local authority that refused the registration and the reasons for their refusal
- details of convictions (of applicant and directors/partners) of any offences under Part 1 of the Act and those detailed in the section below; and

- whether the applicant, director, or partner is a bankrupt
- Complete the Police Check form to permit the department to contact the Police to confirm whether you have any unspent convictions or not. This is essential in order to be able to determine whether you are a "fit and proper person" (see section below)
- It is an offence when making an application or renewing a registration to make a false statement.
- A person registering or applying to be registered must notify the Local Authority of any changes affecting the accuracy of information provided within 28 days of the changes occurring. Failure to do so will be an offence.
- The application form must be submitted with a registration fee of £50.00. Cheques to be made payable to Wrexham County Borough Council.

What requirements do I need to satisfy in order for me to be considered a “fit and proper person”?

This is prescribed in the regulations. When considering whether an applicant is a "fit and proper" person the local authority shall take into account the information provided on the application form and provided in a Police check in relation to the following :

- Unspent * convictions under Part I of the Vehicles(Crime) Act 2001 (for example failure to register, keep records etc)
- Unspent convictions for
 - 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
 - aggravated vehicle taking
 - handling stolen goods
 - going equipped to steal or take a motor vehicle
 - interference with a motor vehicle
 - tampering with a motor vehicle

A Local Authority may refuse to register a person or cancel a registration if they do not consider him/her to be a fit and proper person to carry on a business as a Motor Salvage Operator. If registration is refused or cancelled on this ground, the Local Authority need not consider a further application for registration from the applicant for a period of three years.

* Convictions are considered spent generally after 5 years following a fine; after 10 years following imprisonment over 6 months but less than 30 months; after 7 years following imprisonment under 6 months and after a year for a conditional discharge.

What if my application is refused or registration cancelled?

If the Local Authority refuse to register you, refuse to renew your registration or cancel your registration they must first serve a notice informing you of their intention, the reasons for it and give you a time period within which to make your representations.

Once you have received the notice then within the timescale details in the notice you must either inform the authority that you wish to make representations (either orally or in writing) or that you do not wish to make any representations.

If you wish to make an oral representation then arrangements will be made for you to appear before the Environmental Licensing Committee. This is made up of 13 Councillors who will listen to your case, you may bring a legal representative.

If you wish to make a written representation then this will be submitted to the said Committee for their consideration.

If, following any representations, the Local Authority decides to continue with the refusal or cancellation of your application then a notice will be served on you informing you of this. You have the Right of Appeal to a Magistrates Court within 21 days from the date of service of this notice.

Once I am registered what records will I be required to keep ?

As a motor salvage operator you must, on receipt of a vehicle and on the selling or disposal of any vehicle, make and keep certain records. These must be kept either in a manual register, record book or electronically. Details of the records will be given with the certificate of registration.

Failure to keep such records is an offence and liable on conviction to a fine not exceeding £2500.

Rights to enter and inspect the premises

- The Police have powers of entry to registered premises without warrant. For entry to unregistered premises, or entry to registered premises where entry has been refused, a warrant issued by a justice of the peace can be obtained to secure entry with the use of force if necessary.
- A Police Constable may inspect any motor vehicles or salvaged parts kept on the premises and inspect or copy any records which the Motor Salvage Operator is required to keep.

Is there a registration fee involved?

The Local Authority is permitted to charge a reasonable fee to cover the operation of the scheme. The fee that has been set is £50, cheques should be made payable to Wrexham County Borough Council.

What will happen if I don't register ?

Any person who fails to register with the Local Authority will be liable on conviction to a fine not exceeding £5000.

Where can I find out any further information?

Details of the legislation and copies of the guidance note "The Motor Salvage Operators Regulations 2002" are available from the Home Office on 020 7273 4000 or on the Home Office and Local Government Association websites-www.homeoffice.gov.uk/pcrg/prcu.htm www.lga.gov.uk respectively.