

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

Notes to Applicants

The following notes are provided for guidance and the applicant is advised to refer to the above legislation for full details.

Requirement to Register with Local Authority

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)

Period of Registration

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. An application for renewal of registration must be made at least two months before expiry.

Requirement for Applicant to be a Fit and Proper Person

A Local Authority shall, on receiving an application to be registered 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.
- iii) And also any case of undischarged bankruptcy of the applicant or any directors or partners of the applicant.
- iv) Or adverse information from the Police (this will be disclosable to the applicant)

(A list of the offences can be seen at the end of these guidance notes)

Right to Make Representation

If an applicant is considered not to be a suitable person to become a registered motor salvage operator then 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

The following unspent offences are hereby specified for the purposes of Section 3(4)(b) of the Vehicles (Crime) Act 2001:

- (a) Theft or attempted theft of or from a motor vehicle, contrary to Section 1 of the Theft Act 1968(b);
- (b) Taking 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(c)
- (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 Attempts Act 1981(d);
- (g) Tampering with a motor vehicle, contrary to Section 25 of the Road Traffic Act 1988(a).

Keeping of Records

The Act requires the operator to keep the records specified in the Regulations. It is an offence not to keep records and on summary conviction a fine not exceeding level 4 on the standard scale (i.e. not exceeding £2,500) can be imposed by a magistrates court.

Making False Statements

Any applicant who knowingly or recklessly makes a false statement or provides false information on their application form for registration will be guilty of this offence and will be liable on summary conviction to a fine not exceeding level 3 on the standard scale (i.e. not exceeding £1,000). Any person, who is guilty of this offence and who has had a previous application for registration or renewal refused or has had a previous registration cancelled, will be liable on summary conviction to a fine not exceeding level 5 on the standard scale (i.e. not exceeding £5,000).

Requirement on Motor Salvage Operators to Notify the Local Authority of Changes

Operators are required to notify the local authority of any changes, which affect the registration. Failure to comply with the requirements specified in Section 11 of the Act will be an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale (i.e. not exceeding £1,000).

Giving False Particulars on Sale or Salvage

Any person, when selling a motor vehicle to a motor salvage operator, in the course of their business, gives a false name or address, will be guilty of this offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale (i.e. not exceeding £1,000).