

## Motor Salvage Operators Regulations 2002 Vehicles (Crime) Act 2001

If you would like this information in another format or language please contact: 01422 393001

اگر آپ کو یہ معلومات کسی دوسری زبان  
یا شکل میں چاہئے تو رابطہ کریں:

**The Licensing Unit  
Customer Services & Communications  
Westgate House  
Westgate  
HALIFAX  
HX1 1PS**

**Tel: 01422 393002  
Fax: 01422 392147**

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# **CUSTOMER SERVICES & COMMUNICATIONS**

## **Licensing Unit**

### **Introduction**

The Local Authority has recently been given a statutory duty under the Motor Salvage Operators Regulations 2002 and the Vehicles (Crime) Act 2001, to administer the provisions of the Act.

Therefore: “any person who carries on a business as a motor salvage operator” will be required to register under the Act (a full description of a motor salvage operator is included in the information section).

To obtain a registration you must complete an application form. A copy of the form will be served on West Yorkshire Police who will undertake relevant checks.

A fee is payable on application for grant and/or renewal of a registration. (Please see attached fees list)

Motor Salvage Operators are subject to regulation. The following is designed to set out in detail the regulations that apply to Motor Salvage Operators and how they are enforced.

The enforcement provisions under the Act will be carried out by West Yorkshire Police.

### **Who Needs a Motor Salvage Operator’s Registration**

A Motor Vehicle Salvage Operator is anyone who intends to or carries on a business:-

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

- c) 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 (a) and (b); or
- d) wholly or mainly in activities falling within paragraphs (b) and (c).

If you are unsure whether you require a registration, contact the Licensing Section who will be available to offer advice  
**(Tel: 01422 393002).**

### **Penalty**

It is an offence for any person, partnership or limited company to carry on a business as a motor salvage operator without a current registration issued by your local authority.

Any person, partnership or limited company committing such an offence shall be liable on Summary Conviction to a fine of not more than £5000.00.

### **How to Obtain a Registration**

You will need to obtain and complete the relevant application form obtainable from the Licensing Unit **(Tel: 01422 393002)**. The form asks for the following details:

- The person who will be carrying on the business must apply for the registration (including full name, address, postcode and date of birth)
- The details of the premises (including trading name, address and postcode)

Each application received by the Licensing Unit will be given due consideration and dealt with on its individual merits. It is therefore very important that you supply all the information requested on the application form.

### **Period of Registration**

Each registration will be valid for a period of three years from the date on which the entry is made in the register.

## **Consultation**

A copy of your application will be sent to West Yorkshire Police for their comments.

## **Additional Information**

**If you require any additional information regarding Motor Salvage Operators Regulations 2002 (Vehicles (Crime) Act 2001), please contact the:**

**Licensing Unit  
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# CALDERDALE METROPOLITAN BOROUGH COUNCIL

## The Motor Salvage Operators Regulations 2002 Vehicles (Crime) Act 2001

### GENERAL GUIDANCE NOTES:

**PLEASE READ THESE NOTES BEFORE COMPLETING THE APPLICATION FORM.**

#### 1) REGISTRATION

- 1.1 Any person, partnership or limited company carrying on a business as a motor salvage operator, under Section 1 of the above Act, must register with the Local Authority in whose area their registered place of business is located.
- 1.2 Section 2 of the Vehicles Crime Act 2001 defines a person who carries on a business as a motor salvage operator as one who carries on a business which consists of:-
  - a) 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 in the remainder of the vehicle concerned;
  - b) wholly or mainly in the purchase of written-off vehicles and their subsequent repair and re-sale;
  - c) 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 (a) and (b); or
  - d) wholly or mainly in activities falling within paragraphs (b) and (c).
- 1.3 Any person, partnership or limited company carrying on a business as a motor salvage operator who fails to register with the Local Authority shall be guilty of an offence and will be liable on summary

conviction to a fine not exceeding level 5 (i.e. not exceeding £5000) on the standard scale.

- 1.4 The applicant must return the completed application form to the Licensing Unit of the Calderdale Metropolitan Borough Council with the appropriate fee.
- 1.5 A copy of the application form will be passed on to the West Yorkshire Police for comments.

## **2) RECORD OF DEALINGS**

- 2.1 Registered persons under Section 7(1) must keep records set out in the regulations.
- 2.2 These records may be maintained in electronic or manual form and must be located at or in the case of electronic records, accessible from the registered place of business.
- 2.3 When a registered person receives any vehicle he must make and keep a record of the following information:-
  - a) Details of the registration number, vehicle identification number, make, model and colour of the vehicle;
  - b) The name and address and contact details of the supplier of the vehicle;
  - c) 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:-
    - (i) UK Photocard Driving Licence;
    - (ii) Passport
    - (iii) Utility Bill
    - (iv) Council Tax or Rent book,
    - (v) Or other form of identification containing a photograph of the vehicle supplier.

- d) 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;
- e) The date on which the information referred to in (a) – (d) above was entered on the record.

2.4 When a registered person sells or otherwise disposes of any vehicle he must add the following pieces of information to the record made under Paragraph (2) of this Regulation:-

- a) the date of sale or other disposal of the vehicle;
- b) the name, address and contact details of the person receiving the vehicle;
- c) details of any proof of identity shown to the registered person by, or on behalf of the purchaser of the vehicle to establish the identity of the person receiving the vehicle, including whether any document produced was a:-
  - (i) UK Photocard Drivers Licence;
  - (ii) Passport
  - (iii) Utility Bill
  - (iv) Council Tax or Rent book,
  - (v) Or other form of identification containing a photograph of the vehicle supplier.
- d) 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);
- e) the date when the information referred to in (a) – (d) above was entered on the record.

2.5 The records referred to in this Regulation must be kept for a period of six years from the date of the last entry on the record for each vehicle.

2.6 Any person who fails to keep the records specified in the Regulations to the Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

2.7 Any person who when selling a motor vehicle to a motor salvage operator, in the course of their business, gives a false name or address shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### **3) POLICE RIGHT OF ACCESS TO INSPECT THE RECORDS AND PREMISES**

3.1 A police officer has the right of entry, without a warrant, at any reasonable time to inspect the premises of a motor vehicle salvage operator registered with Calderdale Metropolitan Borough Council.

The Police may at any reasonable time:

- i) require production of and inspect, any motor vehicles  
or  
salvageable parts kept on the premises;
- ii) require production of, inspect and take copies of or extracts from any records that the person registered is required to keep.

### **WHEN COMPLETING THE APPLICATION FORM**

You must give full and truthful information. Before completing the application please read the following notes:

#### **a) Question 1:**

You must specify the name and address of each place within the Calderdale Metropolitan Borough Council area which is occupied by the operator wholly, mainly or partly for the purpose of carrying on a business as defined in Section 1(2) of the Act;

#### **b) Question 2:**

You must give the full name(s), date(s) of birth, and the address(es) of the usual place of residence of the applicant or partner(s) or in the case of a limited company directors of the applicant business.

**c) Question 3:**

You must confirm whether or not this application is a new application or a renewal.

**d) Question 4:**

You must confirm whether any previous application (new or renewal) for registration has been refused by any Local Authority.

**e) Question 5:**

You must provide full details concerning the reasons for refusal including the date of the application, the date of the refusal, who refused it and the reasons.

**f) Question 6:**

You must list details of any convictions for any offence under Part 1 of the Vehicles (Crime) Act 2001 or any convictions for any of the following offences as specified by the Secretary of State:-

- (i) Theft or attempted theft of or from a motor vehicle, contrary to Section 1 of the Theft Act 1968.
- (ii) Taking a motor vehicle without consent, contrary to Section 12 of the Theft Act 1968
- (iii) Aggravated vehicle taking, contrary to Section 12A of the Theft Act 1968
- (iv) Handling stolen goods, contrary to Section 22 of the Theft Act 1968
- (v) Going equipped to steal or take a motor vehicle, contrary to Section 23 of the Theft Act 1968,
- (vi) Interference with a motor vehicle, contrary to Section 9 of the Criminal Attempts Act 1981,

(vii) Tampering with a motor vehicle, contrary to Section 25 of the Road Traffic Act 1988.

**f) Question 7:**

You must confirm whether you or any of the partners or directors of the applicant business is a bankrupt.

**Please note:-**

In order to consider the application for registration, all sections of the form must be completed and the fee must be enclosed.

When considering your application the Council must be satisfied that the applicant is a “fit and proper” person to carry on the business of a motor salvage operator and will take into account the information provided on the application form in relation to:

- i) convictions under Part 1 of the Vehicles (Crime) Act 2001;
- ii) convictions as specified;
- iii) details of any undischarged bankruptcy;
- iv) information provided by the police.

**The Council has the power under the legislation to cancel a registration or to refuse register or renew an application**

When you have completed the application form please return it to my Licensing Unit with the fee (see separate fees list). All cheques must be made payable to “Calderdale MBC”.

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**CALDERDALE METROPOLITAN BOROUGH COUNCIL**

**APPLICATION FOR REGISTRATION**

**The Motor Salvage Operators Regulations 2002**  
**Vehicles (Crime) Act 2001**

Please read the notes for guidance attached to this form before you complete it.

1) Trading Names and Address(es)  
of the Business .....

.....  
.....  
.....

Telephone No. ....

2) Full name(s), usual address(es) of  
the applicant. ....

(In the case of a limited company  
or partnership, details of all the  
directors or partners must be  
given). ....

A separate sheet of paper may be  
used. ....

Date(s) of birth .....

Telephone No. ....

3) Is this a new application or a  
renewal?  
(\*Delete where appropriate)

**NEW/RENEWAL \***

4) Has any previous application (new

or renewal) been refused by this or any other local authority? .....

5) If so give details of which authority and why (including the name of the authority, date of refusal and reason for refusal) .....

(use a separate piece of paper if necessary)

6) Have you any convictions as detailed by Part 1 of the Vehicles (Crime) Act 2001 or from the list of offences specified (see attached)

**YES / NO**

If yes please give details in the boxes below

**(Note: This question is subject to the Rehabilitation of Offenders Act 1974)**

CONVICTION DATE	COURT	OFFENCE	PENALTY

7) Are you or any partners or directors of the applicant business a bankrupt (if so give details) .....

**Undertaking**

I/We hereby apply to Calderdale Metropolitan Borough Council for registration under the above Act.

I/We enclose the fee in respect of this application.

I/We declare that all the information given above is true and that I/We understand that I/We will be committing an offence if I/we knowingly make a false statement.

I/We understand that a copy of this completed application form will be submitted to the West Yorkshire Police for comment prior to the registration process being completed.

I/We understand that the Council have the power under the legislation to cancel a registration or to refuse to issue or renew a registration.

I/We have read the notes for guidance enclosed with this form and agree to comply with the regulations.

I/We also understand that under Section 2(4) of the Act a registration lasts for a period of 3 years and that if my application is successful that I/we will need to submit a newly completed application form to CALDERDALE METROPOLITAN BOROUGH COUNCIL, 2 months prior to the expiry of the current registration together with the required fee.

SIGNATURE(S) ..... DATE .....

**Please return this form with the fee to:-**

**The Licensing Unit  
Customer Services & Communications  
Westgate House  
Westgate  
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S:/standarddocuments/motersalvage/MSO-01.doc