



Northern Ireland  
Assembly

Scrap Metal Dealers Bill  
Marshalled List of Amendments  
Consideration Stage  
Monday 29 February 2016

Amendments tabled up to 9.30am Wednesday, 24 February 2016 and selected for debate

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The Bill will be considered in the following order-  
Clauses, Schedules and Long Title

**Clause 1**

*The Member listed below gives notice of his intention to oppose the question that clause 1 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

**Clause 2**

*The Member listed below gives notice of his intention to oppose the question that clause 2 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

### **Clause 3**

*The Member listed below gives notice of his intention to oppose the question that clause 3 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

### **Clause 4**

*The Member listed below gives notice of his intention to oppose the question that clause 4 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

### **Clause 5**

*The Member listed below gives notice of his intention to oppose the question that clause 5 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

### **Clause 6**

*The Member listed below gives notice of his intention to oppose the question that clause 6 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

## **Clause 7**

*The Member listed below gives notice of his intention to oppose the question that clause 7 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

## **Amendment 1**

**Clause 8**, Page 4, Line 17

Leave out 'site' and insert 'waste management'

*Mr Roy Beggs*

## **Amendment 2**

**Clause 8**, Page 4, Line 18

Leave out 'each site identified' and insert 'the site specified'

*Mr Roy Beggs*

## **Amendment 3**

**Clause 8**, Page 4, Line 18

At end insert -

'(1A) A scrap metal dealer who is a registered waste dealer must display the required particulars of the registration at any premises used by the dealer in the course of that business.'

*Mr Roy Beggs*

## **Amendment 4**

**Clause 8**, Page 4, Line 19

Leave out 'referred to in section 8(1)' and insert 'and particulars referred to in subsections (1) and (1A)'

*Mr Roy Beggs*

## **Amendment 5**

**Clause 8**, Page 4, Line 21

Leave out from ‘holds’ to ‘licence’ on line 22 and insert ‘is a registered waste carrier must display the required particulars of the registration’

*Mr Roy Beggs*

## **Amendment 6**

**Clause 8**, Page 4, Line 23

Leave out ‘copy licence’ and insert ‘particulars’

*Mr Roy Beggs*

## **Amendment 7**

**Clause 8**, Page 4, Line 24

Leave out ‘it’ and insert ‘them’

*Mr Roy Beggs*

## **Amendment 8**

**Clause 8**, Page 4, Line 24

At end insert -

‘(4A) In this section—

- (a) a “registered waste dealer” is a person registered as a dealer in waste in the register established and maintained under Schedule 4 to the Waste Management Licensing Regulations (Northern Ireland) 2003 (“the 2003 Regulations”);
- (b) a “registered waste carrier” is a person registered in the register established and maintained under regulations under Article 39 of the 1997 Order.

(4B) The required particulars are—

- (a) in the case of a registered waste dealer, a copy of any document showing details of the dealer’s entry in the register (provided to the dealer under the 2003 Regulations);
- (b) in the case of a registered waste carrier, a copy of any certificate of registration issued under regulations under Article 39(2)(c) of the 1997 Order;
- (c) in either case, such alternative or additional particulars as may be prescribed in regulations made by the Department.’

*Mr Roy Beggs*

## **Clause 8**

*The Members listed below give notice of their intention to oppose the question that clause 8 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

## **Amendment 9**

### **Clause 9, Page 4, Line 31**

Leave out from ‘by’ to end of line 34 and insert -

‘—

- (a) in the case of the person’s full name, by reference to a document falling within subsection (3) or prescribed under subsection (4)(a);
- (b) in the case of the person’s address, by reference to a document falling within subsection (3A) or (3B) or to documents, data or other information prescribed under subsection (4)(b).’

*Mr Roy Beggs*

## **Amendment 10**

### **Clause 9, Page 4, Line 35**

Leave out subsections (3) and (4) and insert -

‘(3) The following documents fall within this subsection (verification of full name)—

- (a) a United Kingdom passport, within the meaning of section 33(1) of the Immigration Act 1971;
- (b) a passport issued by the Government of an EEA state;
- (c) a photocard driving licence granted under section 97 of the Road Traffic Act 1988 or Article 13 of the Road Traffic (Northern Ireland) Order 1981;
- (d) a driving licence issued by the Government of an EEA state if the licence bears the photograph of the person to whom it is issued;
- (e) an electoral identity card issued under section 13C of the Representation of the People Act 1983;
- (f) a 60+ or Senior SmartPass, a Registered Blind SmartPass or a War Disablement SmartPass issued under the Northern Ireland Concessionary Fares Scheme for use from 1st May 2002;
- (g) a biometric immigration document issued in accordance with regulations made under section 5 of the UK Borders Act 2007.

(3A) The following documents fall within this subsection (verification of address)—

- (a) a photocard driving licence granted under section 97 of the Road Traffic Act 1988 or Article 13 of the Road Traffic (Northern Ireland) Order 1981;
- (b) a driving licence issued by the Government of an EEA state if the licence bears the name and address of the person to whom it is issued.

(3B) A document falls within this subsection (verification of address) if bears both the name and the address of the person in question, was issued within the period of 3 months ending with the date on which the address is verified and is any of the following—

- (a) a bill or statement of account issued in respect of the supply of gas, water, electricity or telecommunications services to premises at the address in question;
  - (b) a statement issued by a bank or building society relating to—
    - (i) an account held at the bank or building society, or
    - (ii) a loan secured on a mortgage held by the bank or building society;
  - (c) a bill or statement of account issued by a bank or building society in respect of a debit or credit card;
  - (d) a bill or statement of account, issued by the Department of Finance and Personnel, relating to a rate payable under the Rates (Northern Ireland) Order 1977 in respect of premises at the address in question;
  - (e) a bill or statement issued by a credit union (within the meaning of Article 2 of the Credit Unions (Northern Ireland) Order 1985) relating to an account with the credit union.
- (4) The Department may prescribe in regulations—
- (a) documents, bearing a photograph of the person concerned, which are sufficient for the purpose of verifying a person's full name;
  - (b) other documents, data or other information which are sufficient for the purpose of verifying a person's address.

(4A) The Department may by regulations make such changes to subsections (3), (3A) and (3B) as it considers necessary in consequence of any change to the name or form of any document mentioned in those subsections, or to any legislation or scheme under which any such document is issued'

*Mr Roy Beggs*

## **Clause 9**

*The Members listed below give notice of their intention to oppose the question that clause 9 stand part of the Bill.*

*Mr Cathal Boylan*  
*Mr Ian Milne*  
*Mr Barry McElduff*

## **Clause 10**

*The Member listed below gives notice of his intention to oppose the question that clause 10 stand part of the Bill.*

*Mr Roy Beggs*  
*Mr Cathal Boylan*  
*Mr Ian Milne*  
*Mr Barry McElduff*

## **Amendment 11**

### **New Clause**

After clause 10 insert -

#### **‘Power to make it an offence to buy scrap metal for cash etc.**

**10A.**—(1) The Department may make regulations that—

- (a) prohibit scrap metal dealers from paying for scrap metal by means specified in the regulations;
- (b) prohibit scrap metal dealers from paying for scrap metal by any means except those specified in the regulations.

(2) Regulations under subsection (1)(a) may, in particular, prohibit payment for scrap metal with cash.

(3) Regulations under subsection (1)(b) may, in particular, specify payment by cheques (or a specified description of cheque) or payment by an electronic transfer of funds.

(4) Regulations under subsection (1) may—

- (a) provide for the meaning of “paying” for scrap metal;
- (b) provide for exceptions from any prohibition imposed by the regulations;
- (c) provide for it to be an offence to breach any such prohibition.

(5) Before making regulations under this section the Department must consult—

- (a) the Department of Justice,
- (b) the Chief Constable, and
- (c) such representatives of scrap metal dealers as the Department considers appropriate.’

*Mr Roy Beggs*

## **Amendment 12**

### **Clause 11, Page 6, Line 30**

After ‘1994’ insert ‘or identification mark (within the meaning of section 131 of the Finance Act, 1992 (an Act of the Oireachtas))’

*Mr Roy Beggs*

## **Amendment 13**

### **Clause 11, Page 7, Line 5**

Leave out subsections (7) to (9)

*Mr Roy Beggs*

## **Clause 11**

*The Members listed below give notice of their intention to oppose the question that clause 11 stand part of the Bill.*

*Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

## **Clause 12**

*The Member listed below gives notice of his intention to oppose the question that clause 12 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

## **Amendment 14**

### **Clause 13, Page 8, Line 7**

Leave out from ‘sections’ to ‘(4)’ on line 8 and insert ‘section 11(2), (5) and (6)’

*Mr Roy Beggs*

## **Amendment 15**

### **Clause 13, Page 8, Line 11**

Leave out paragraph (b)

*Mr Roy Beggs*

## **Amendment 16**

### **Clause 13, Page 8, Line 16**

Leave out ‘sections 11(2) to (6) and 12(3) and (4)’ and insert ‘section 11(2) to (6)’

*Mr Roy Beggs*



**Amendment 17**

**Clause 13**, Page 8, Line 16

Leave out '1 year' and insert '2 years'

*Mr Roy Beggs*

**Amendment 18**

**Clause 13**, Page 8, Line 17

Leave out 'or (as the case may be) disposed of'

*Mr Roy Beggs*

**Amendment 19**

**Clause 13**, Page 8, Line 17

At end insert -

'(3A) The Department may in regulations make such provision as it thinks appropriate to enable or require the information or other records mentioned in section 11(2) to (6) to be recorded in, or kept together with, any document that is required to be made or retained under regulations under Article 5(7) of the 1997 Order (duty of care: waste transfer notes).'

*Mr Roy Beggs*

**Amendment 20**

**Clause 13**, Page 8, Line 18

Leave out 'or 12'

*Mr Roy Beggs*

**Amendment 21**

**Clause 13**, Page 8, Line 21

Leave out 'or (as the case may be) despatched from'

*Mr Roy Beggs*

### **Clause 13**

*The Members listed below give notice of their intention to oppose the question that clause 13 stand part of the Bill.*

*Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

### **Amendment 22**

**Clause 14**, Page 8, Line 33

At beginning' insert 'An authorised official or'

*Mr Roy Beggs*

### **Amendment 23**

**Clause 14**, Page 8, Line 33

Leave out 'a licensed site' and insert 'premises within subsection (3)'

*Mr Roy Beggs*

### **Amendment 24**

**Clause 14**, Page 8, Line 34

At end insert '(in the case of a licensed site) or any person who appears to be in charge of the premises (in any other case)'

*Mr Roy Beggs*

### **Amendment 25**

**Clause 14**, Page 8, Line 35

At beginning insert 'An authorised official or'

*Mr Roy Beggs*

**Amendment 26**

**Clause 14**, Page 8, Line 35

Leave out ‘a licensed site’ and insert ‘premises within subsection (3)’

*Mr Roy Beggs*

**Amendment 27**

**Clause 14**, Page 8, Line 36

After ‘manager’ insert ‘or other person who appears to be in charge of the premises (as the case may be)’

*Mr Roy Beggs*

**Amendment 28**

**Clause 14**, Page 8, Line 42

Leave out subsection (3) and insert -

‘(3) Premises are within this subsection if they are not residential premises and—

(a) are a licensed site, or

(b) are not a licensed site but there are reasonable grounds for believing that the premises are being used by a scrap metal dealer in the course of business.’

*Mr Roy Beggs*

**Amendment 29**

**Clause 14**, Page 9, Line 1

At beginning insert ‘An authorised official or’

*Mr Roy Beggs*

**Amendment 30**

**Clause 14**, Page 9, Line 17

After ‘authorises’ insert ‘an authorised official or’

*Mr Roy Beggs*

**Amendment 31**

**Clause 14**, Page 9, Line 19

At beginning insert ‘An authorised official or’

*Mr Roy Beggs*

**Amendment 32**

**Clause 14**, Page 9, Line 21

At beginning insert ‘An authorised official or’

*Mr Roy Beggs*

**Amendment 33**

**Clause 14**, Page 9, Line 25

Leave out ‘or 12’

*Mr Roy Beggs*

**Amendment 34**

**Clause 14**, Page 9, Line 27

Leave out ‘a constable’ and insert ‘an authorised official or a constable (“the officer”)

*Mr Roy Beggs*

**Amendment 35**

**Clause 14**, Page 9, Line 30

Leave out ‘constable’ and insert ‘officer’

*Mr Roy Beggs*

**Amendment 36**

**Clause 14**, Page 9, Line 31

Leave out ‘constable’s’ and insert ‘officer’s’

*Mr Roy Beggs*

### **Amendment 37**

**Clause 14**, Page 9, Line 32

Leave out ‘constable’s’ and insert ‘officer’s’

*Mr Roy Beggs*

### **Amendment 38**

**Clause 14**, Page 9, Line 33

Leave out ‘constable’ and insert ‘officer’

*Mr Roy Beggs*

### **Amendment 39**

**Clause 14**, Page 9, Line 38

At end insert -

‘(13) In this section an “authorised official” is an officer of the Department who is authorised for the purposes of this section by the Department.’

*Mr Roy Beggs*

### **Clause 14**

*The Members listed below give notice of their intention to oppose the question that clause 14 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

### **Amendment 40**

#### **New Clause**

After clause 14 insert -

#### **‘Power to make provision for closing unlicensed sites**

**14A.**—(1) The Department may in regulations make provision for the making of closure orders in respect of premises which—

- (a) are being used by a scrap metal dealer to keep or treat metal in the course of business, but
- (b) are not a licensed site.

(2) A closure order is an order, made by a court, which requires—

- (a) that the premises in respect of which it is made be closed to the public (and remain closed until a specified event), and
  - (b) that use of the premises by a scrap metal dealer in the course of business be discontinued immediately.
- (3) Regulations under subsection (1) may in particular—
- (a) specify which courts may make a closure order and who may apply for one;
  - (b) require a prospective applicant, before applying for a closure order, to issue a notice to specified persons stating its intention to apply for such an order;
  - (c) provide for the cancellation of such a notice in specified circumstances;
  - (d) provide for the procedure for an application for a closure order;
  - (e) specify other conditions which must be satisfied before an application for a closure may be made, or before the court may make an order;
  - (f) specify requirements (in addition to those set out in subsection (2)(a) and (b)) which may be imposed by a closure order;
  - (g) provide for the termination of a closure order by a person other than a court, or for its discharge by a court;
  - (h) provide for appeals against any decision in relation to a closure order;
  - (i) provide for how a closure order is to be enforced (including by conferring of powers of entry and by the creation of offences).
- (4) “Specify” means specify in the regulations.’

*Mr Roy Beggs*

## **Clause 15**

*The Member listed below gives notice of his intention to oppose the question that clause 15 stand part of the Bill.*

*Mr Roy Beggs*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

## **Amendment 41**

### **New Clause**

After clause 15 insert -

#### **‘Offences by bodies corporate and partnerships**

**15A.**—(1) For the purposes of an offence under this Act, section 20(2) of the Interpretation Act (Northern Ireland) 1954 (liability of directors, etc, where body corporate commits an offence) applies with the following modifications.

(2) That subsection applies with the omission of the words “the liability of whose members is limited”.

(3) In a case where the affairs of a body corporate are managed by its members, that subsection applies in relation to the acts or defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

(4) Subsection (5) applies if—

- (a) an offence under this Act is committed by a partnership (whether or not a limited partnership), and
- (b) it is proved that the offence has been committed with the consent or connivance of, or to be attributable to neglect on the part of—
  - (i) a partner, or
  - (ii) a person purporting to act as a partner.

(5) The partner, or the person purporting to act as a partner, commits the offence (as well as the partnership).'

*Mr Roy Beggs*

## **Amendment 42**

**Clause 16**, Page 10, Line 18

Leave out subsection (3) and insert -

'(3) Subsection (3A) applies to a person who carries on a business which consists primarily in the manufacture of articles or the supply or fitting of products.

(3A) For the purposes of subsection (2)(a), a person to whom this subsection applies is not to be regarded as selling scrap metal if that person sells scrap metal only—

- (a) as a by-product of manufacturing articles or making of products to order,
- (b) as surplus materials not required for manufacturing articles or making products to order, or
- (c) as discarded articles, or waste materials, which have been received by the person in the course of the business, having been replaced by articles or products supplied in the course of it.'

*Mr Roy Beggs*

## **Amendment 43**

**Clause 16**, Page 10, Line 34

After second 'a' insert 'waste management'

*Mr Roy Beggs*

## **Amendment 44**

**Clause 16**, Page 11, Line 3

Leave out subsection (8) and insert -

'(8) The Department may by regulations amend the definition of "scrap metal" and "scrap metal dealer" for the purposes of this Act by amending this section.'

*Mr Roy Beggs*

## **Clause 16**

*The Members listed below give notice of their intention to oppose the question that clause 16 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

## **Amendment 45**

### **New Clause**

After clause 16 insert -

#### **‘Meaning of “site manager”**

**16A.**—(1) This section makes provision about the meaning of “site manager” for the purposes of this Act.

(2) Where a waste management licence is granted in respect of a site (within the meaning given by section 18(7)), the holder of the licence must nominate an individual as the site manager, who must be the individual who exercises day-to-day control and management of activities at the site.

(3) An individual may be nominated as site manager at more than one site; but no site may have more than one site manager nominated in relation to it.

(4) The Department may in regulations make further provision in connection with nominations made under subsection (2).

(5) Regulations under subsection (4) may, in particular, provide for the procedure for—

- (a) notifying the Department of a nomination under subsection (2);
- (b) replacing a nominee.

(6) Regulations under subsection (4) may, in particular, provide for nominated site managers to be included in the register maintained under Article 34 of the 1997 Order; and Articles 35 and 36 of the 1997 Order apply to such information as they apply to information mentioned in Article 34(1).’

*Mr Roy Beggs*

## **Amendment 46**

### **Clause 17, Page 11, Line 8**

Leave out subsection (2) and insert -

‘(2) Regulations under section 10 or 14A must not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.’

*Mr Roy Beggs*



## **Clause 17**

*The Members listed below give notice of their intention to oppose the question that clause 17 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

## **Amendment 47**

**Clause 18**, Page 11, Line 16

At end insert -

‘(1A) “The 1997 Order” means the Waste and Contaminated Land (Northern Ireland) Order 1997.’

*Mr Roy Beggs*

## **Amendment 48**

**Clause 18**, Page 11, Line 18

Leave out ‘a site identified in a scrap metal licence’ and insert ‘land specified in a waste management licence in accordance with Article 6(1) of the 1997 Order’

*Mr Roy Beggs*

## **Amendment 49**

**Clause 18**, Page 11, Line 19

Leave out subsection (4)

*Mr Roy Beggs*

## **Amendment 50**

**Clause 18**, Page 11, Line 20

Leave out subsection (5)

*Mr Roy Beggs*

## **Amendment 51**

**Clause 18**, Page 11, Line 26

Leave out subsection (7) and insert -

‘(7) “Site” means any land where scrap metal is kept or treated in the course of carrying on business as a scrap metal dealer.’

*Mr Roy Beggs*

## **Amendment 52**

**Clause 18**, Page 11, Line 28

Leave out subsections (8) and (9)

*Mr Roy Beggs*

## **Amendment 53**

**Clause 18**, Page 11, Line 33

Leave out subsection (10)

*Mr Roy Beggs*

## **Amendment 54**

**Clause 18**, Page 11, Line 35

At end insert -

‘(11) “Waste management licence” means a site licence (within the meaning given by the 1997 Order) granted under Article 6(1) of that Order.’

*Mr Roy Beggs*

## **Clause 18**

*The Members listed below give notice of their intention to oppose the question that clause 18 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

**Amendment 55**

**Clause 19**, Page 12, Line 1

Leave out paragraph (b)

*Mr Roy Beggs*

**Amendment 56**

**Clause 19**, Page 12, Line 3

Leave out ‘under subsection (1)(a)’

*Mr Roy Beggs*

**Clause 19**

*The Members listed below give notice of their intention to oppose the question that clause 19 stand part of the Bill.*

*Mr Cathal Boylan*

*Mr Ian Milne*

*Mr Barry McElduff*

**Amendment 57**

**Clause 20**, Page 12, Line 9

Leave out paragraphs (a) and (b)

*Mr Roy Beggs*

**Amendment 58**

**Clause 20**, Page 12, Line 12

At end insert -

‘(2) The report under subsection (1) must be laid before the Assembly not later than 18 months after the day on which the last of the provisions of this Act comes into operation.

(3) If, in relation to any provision of this Act, different days are appointed under section 19(2), the provision is to be regarded for the purposes of subsection (2) as coming into operation on the last of those days.’

*Mr Roy Beggs*

## **Clause 20**

*The Members listed below give notice of their intention to oppose the question that clause 20 stand part of the Bill.*

*Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

## **Clause 21**

*The Members listed below give notice of their intention to oppose the question that clause 21 stand part of the Bill.*

*Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

## **Schedule 1**

*The Member listed below gives notice of his intention to oppose the question that Schedule 1 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*

## **Schedule 2**

*The Member listed below gives notice of his intention to oppose the question that Schedule 2 stand part of the Bill.*

*Mr Roy Beggs  
Mr Cathal Boylan  
Mr Ian Milne  
Mr Barry McElduff*