



Northern Ireland
Assembly

Scrap Metal Dealers Bill
Notice of Amendments tabled on
19 February 2016 for Consideration Stage

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

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

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

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

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

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

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

Clause 8, Page 4, Line 17

Leave out 'site' and insert 'waste management'

Mr Roy Beggs

Clause 8, Page 4, Line 18

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

Mr Roy Beggs

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

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

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

Clause 8, Page 4, Line 23

Leave out ‘copy licence’ and insert ‘particulars’

Mr Roy Beggs

Clause 8, Page 4, Line 24

Leave out ‘it’ and insert ‘them’

Mr Roy Beggs

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 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

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 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

New Clause

After clause 9 insert -

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

10.—(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

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

Clause 11, Page 7, Line 5

Leave out subsections (7) to (9)

Mr Roy Beggs

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

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

Clause 13, Page 8, Line 11

Leave out paragraph (b)

Mr Roy Beggs

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

Clause 13, Page 8, Line 16

Leave out ‘1 year’ and insert ‘2 years’

Mr Roy Beggs

Clause 13, Page 8, Line 17

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

Mr Roy Beggs

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

Clause 13, Page 8, Line 18

Leave out 'or 12'

Mr Roy Beggs

Clause 13, Page 8, Line 21

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

Mr Roy Beggs

Clause 14, Page 8, Line 33

At beginning' insert 'An authorised official or'

Mr Roy Beggs

Clause 14, Page 8, Line 33

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

Mr Roy Beggs

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

Clause 14, Page 8, Line 35

At beginning insert 'An authorised official or'

Mr Roy Beggs

Clause 14, Page 8, Line 35

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

Mr Roy Beggs

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

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

Clause 14, Page 9, Line 1

At beginning insert ‘An authorised official or’

Mr Roy Beggs

Clause 14, Page 9, Line 17

After ‘authorises’ insert ‘an authorised official or’

Mr Roy Beggs

Clause 14, Page 9, Line 19

At beginning insert ‘An authorised official or’

Mr Roy Beggs

Clause 14, Page 9, Line 21

At beginning insert ‘An authorised official or’

Mr Roy Beggs

Clause 14, Page 9, Line 25

Leave out ‘or 12’

Mr Roy Beggs

Clause 14, Page 9, Line 27

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

Mr Roy Beggs

Clause 14, Page 9, Line 30

Leave out ‘constable’ and insert ‘officer’

Mr Roy Beggs

Clause 14, Page 9, Line 31

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

Mr Roy Beggs

Clause 14, Page 9, Line 32

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

Mr Roy Beggs

Clause 14, Page 9, Line 33

Leave out ‘constable’ and insert ‘officer’

Mr Roy Beggs

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

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

New Clause

After clause 14 insert -

‘Offences by bodies corporate and partnerships

15.—(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).’

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.

(4) 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

Clause 16, Page 10, Line 34

After second ‘a’ insert ‘waste management’

Mr Roy Beggs

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

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 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

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

Clause 18, Page 11, Line 19

Leave out subsection (4)

Mr Roy Beggs

Clause 18, Page 11, Line 20

Leave out subsection (5)

Mr Roy Beggs

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

Clause 18, Page 11, Line 28

Leave out subsections (8) and (9)

Mr Roy Beggs

Clause 18, Page 11, Line 33

Leave out subsection (10)

Mr Roy Beggs

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 19, Page 12, Line 1

Leave out paragraph (b)

Mr Roy Beggs

Clause 19, Page 12, Line 3

Leave out ‘under subsection (1)(a)’

Mr Roy Beggs

Clause 20, Page 12, Line 9

Leave out paragraphs (a) and (b)

Mr Roy Beggs

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

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

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