



Northern Ireland
Assembly

Committee for the Environment

Report on the Scrap Metal Dealers Bill

(NIA 65/11-16)

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Ordered by the Committee for the Environment to be printed 11th February 2016
Report: NIA 307/11-16 Committee for the Environment.

Table of Contents

Membership and Powers	3
List of Abbreviations	5
Executive Summary	6
Committee Consideration	8
<i>Introduction</i>	8
<i>Committee approach</i>	8
<i>Key issues</i>	10
<i>Department of the Environment's Evidence</i>	11
<i>Sponsor of the Bill's Evidence</i>	12
<i>Proposed Department Amendments</i>	13
<i>Summary of Evidence from other Stakeholders</i>	14
Clause by Clause consideration of the Bill	23
Appendices	25

Membership and Powers

The Committee for the Environment is a Statutory Departmental Committee established in accordance with paragraphs 8 and 9 of the Belfast Agreement, section 29 of the Northern Ireland Act 1998 and under Standing Order 48.

The Committee has power to:

- Consider and advise on Departmental budgets and annual plans in the context of the overall budget allocation;
- Consider relevant secondary legislation and take the Committee stage of primary legislation;
- Call for persons and papers;
- Initiate inquiries and make reports; and
- Consider and advise on any matters brought to the Committee by the Minister of the Environment

The Committee has 11 members including a Chairperson and Deputy Chairperson and a quorum of 5. The membership of the Committee since 9 May 2011 has been as follows:

Ms Anna Lo MBE (Chairperson)

Mrs Pam Cameron (Deputy Chairperson)

Mr Cathal Boylan

Mr Paul Girvan¹

Mr William Irwin

Mr Alban Maginness

Mr Ian Milne

Mr Barry McElduff

¹ With effect from 16 November 2015 Mr Paul Girvan replaced Lord Morrow

² With effect from 30 November 2015 Ms Claire Hanna replaced Mr Colum Eastwood

³ With effect from 1 February 2016 Mr Alastair Patterson replaced Mrs Sandra Overend

⁴ With effect from 8 February 2016 Mr Patsy McGlone replaced Ms Claire Hanna

Mr Patsy McGlone^{2, 4}

Mr Alastair Patterson³

Mr George Robinson

List of Abbreviations

BMRA	British Metals Recycling Association
DAERA	The Department for Agriculture, Environment and Rural Affairs
DOJ	The Department of Justice
DRD	The Department for Regional Development
EFM	Explanatory & Financial Memorandum
FSBI	Federation of Small Businesses Northern Ireland
L&CCC	Lisburn and Castlereagh City Council
NI	Northern Ireland
NI Water	Northern Ireland Water
NIEA	Northern Ireland Environment Agency
NILGA	Northern Ireland Local Government Association
NIUWGMT	Northern Ireland Utilities Working Group on Metal Theft
PSNI	Police Service of Northern Ireland
ROI	Republic of Ireland
The Assembly	The Northern Ireland Assembly
The Department	The Department of the Environment
The Sponsor	The Sponsor of the Bill
UK	United Kingdom

Executive Summary

1. This report sets out the Committee for the Environment's Committee Stage of the Scrap Metal Dealers Bill.
2. The Bill contains 21 clauses and 2 schedules. The principal objectives of the Bill are to combat the trade of illegally obtained metal in Northern Ireland; reduce the impact on victims of scrap metal crime; and safeguard expensive resources for individuals and organisations.
3. The Bill seeks to do this by licensing the carrying on of a scrap metal dealing business and certain aspects of the sale and purchase of metal in Northern Ireland.
4. The Committee sought a balanced range of views as part of their deliberations of the Bill. It requested evidence from a number of interested organisations, from the Department of the Environment (the Department), Department of Justice (DOJ), and Police Service of Northern Ireland (PSNI) and from the Sponsor of the Bill, Mr Roy Beggs MLA (the Sponsor).
5. The majority of responses supported efforts to tackle metal theft; however there was differing views on the provisions of the Bill. Some key issues were raised as follows:
 - a. Whether there is a need for *primary* legislation, given recent changes to the Waste Management Licensing Regulations, which seek to tighten regulation for waste operators, including scrap metal dealers;
 - b. Whether the Department is the most appropriate body to issue licences, given that the function of Northern Ireland Environment Agency (NIEA) is to tackle *environmental* crime.
 - c. Inconsistencies between Republic of Ireland (ROI) and Northern Ireland (NI) legislation, and concerns that this might harm both employment and economic growth in the Northern Ireland recycling industry, without similar regulations being made in ROI;
 - d. Whether the existing voluntary Code of Conduct could be strengthened and form the basis of a legislative framework;

- e. Concerns regarding the impact of a cashless system or a system allowing a de minimus for cash transactions, and the enforcement of such; and
 - f. Concerns regarding unintended consequences of who might be captured by the provisions of the Bill, outside of scrap metal dealers.
6. Following discussions with the Sponsor of the Bill, the Department has proposed sixty-nine amendments to the Bill. These impact on every clause and schedule, with the exception of Clause 21: Short title.
7. The Committee does not have sufficient time to properly scrutinise the proposed amendments and the impact that these amendments may have on the scrap metal industry.
8. The Committee indicated it was not content to form a view on Clauses 1 to 20 and Schedules 1 and 2, as the Committee is unable to give proper consideration and scrutiny of the complex issues raised at Committee Stage within the time remaining, including that it does not have a full understanding of the impact that the Bill will have on the scrap metal industry.

Consideration of Bill

Introduction

9. The Scrap Metal Dealers Bill (NIA Bill 65/11-16) was referred to the Committee for consideration in accordance with Standing Order 64A on 17th November 2015.
10. Mr Roy Beggs MLA, Sponsor of the Bill, made the following statement under Standing Order 30:

“In my view the Scrap Metal Dealers Bill would be within the legislative competence of the Northern Ireland Assembly.”

11. The Bill seeks to address the theft of stolen metal, a particularly high value item, by a clearer regime of licensing and regulations overseeing the scrap metal trade.
12. The Bill makes provisions for the licensing of scrap metal dealers and the conduct of business of scrap metal dealers. The Bill describes: the verification process for establishing the identity of vendors and the requirement for storing such information; the requirements for storage of metal which appears to be suspiciously defaced; the obligations on alerting the police; and specific direction on cash and cashless transactions to assist in enabling a financial audit trail.

Committee approach

13. During the period covered by this Report, the Committee considered the Bill and related issues at 15 meetings. The relevant extracts from the Minutes of Proceedings for these meetings are included at Appendix 1. At its meeting on 26th November 2015, the Committee agreed a motion to extend the Committee Stage of the Bill to 19th February 2016. The motion to extend was supported by the Assembly on 11th January 2016.
14. The Committee had before it the Scrap Metal Dealers Bill (NIA 65/11-16) and the Explanatory and Financial Memorandum that accompanied the Bill. The Bill was introduced to the Assembly on 19th October 2015. At that stage, it was unclear which Statutory Committee would scrutinise the Bill. While the

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- Bill gives the Department powers to licence scrap metal dealers, the ultimate purpose of the Bill is to reduce metal theft.
15. The Chairpersons of the Committee for the Environment and the Committee for Justice consulted on which committee the matter should fall to for disposal. As agreement was not reached, in accordance with Standing Order 64A, the matter was referred to the Business Committee, who ruled that the Bill should fall to the Committee for the Environment for disposal.
 16. The Committee wrote to key stakeholders and inserted public notices in the Belfast Telegraph, Irish News, and News Letter seeking written evidence on the Bill by 11th December 2015. A total of 18 organisations responded to the request for written evidence, including two nil response. A copy of the submissions received by the Committee is included at Appendix 3. Prior to the Bill's Second Stage, the Committee took evidence from the Sponsor of the Bill on 10th November 2015.
 17. As the Bill was introduced relatively late in the mandate, the Committee arranged evidence sessions from the following organisations prior to the deadline for receipt of written submissions: British Metals Recycling Association (BMRA); Northern Ireland Utilities Working Group on Metal Theft (NIUWGMT); the Department; and DOJ and PSNI.
 18. The Committee had follow-up sessions to discuss the evidence it received with the Sponsor of the Bill on 12th January and 14th January 2016; and with the Department on 21st January, 2nd February and 9th February.
 19. Subsequent to writing directly to a large number of scrap metal dealers seeking evidence and placing advertisements in local press, two responses were received from scrap metal dealers directly and one query. One of those responses provided commentary on the clauses of the Bill. Due to circumstances outside of the Committee's control, an oral evidence session was not able to be scheduled with that respondent.
 20. The Committee expressed concern that it had not heard from a sufficient number of scrap metal dealers; and felt that this was a significant gap in its evidence. The Committee agreed to write to a targeted group of scrap metal dealers to ascertain whether they would be willing to provide evidence to the Committee. Representatives indicated a preference to hold an informal
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meeting with the Committee. Therefore the Committee agreed to meet with representatives from the industry informally to seek their views. This meeting was held on 9th February and a report of this meeting is attached (Appendix 5).

21. The Committee carried out its formal clause by clause scrutiny of the Bill on 11th February. At this meeting, the Committee considered and agreed its report on the Bill and that it should be printed.

Key Issues

22. The Northern Ireland Assembly supported the key principles of the Bill at second stage: that of reducing metal theft by licensing scrap metal dealers.
23. The Committee, and many of the stakeholders, recognise the merits of the purpose of the Bill. The Committee wished to commend the Bill's sponsor, Mr Roy Beggs MLA, for raising this important issue both in Plenary and during Committee Stage. The Committee wishes to place on record its recognition of the positive intentions of the Sponsor in tackling metal theft. The Committee is aware that this is not a victimless crime; and, indeed, heard compelling evidence of the need for a legislative mechanism to deter and minimise incidents of metal theft, given the impact on local communities and the health and safety implications.
24. From the outset, the Committee expressed concerns regarding the implications of the Bill being introduced so close to the end of the mandate. Nonetheless, the Committee endeavoured to complete its scrutiny within this compressed timescale. However, the Committee's primary focus was to ensure that the Bill is workable, enforceable, and effective, and that it would not damage the economic viability of legitimate traders.
25. At Committee Stage, a number of complex issues were raised during the evidence sessions. These included:
 - a. Whether there is a need for *primary* legislation, given recent changes to the Waste Management Licensing Regulations, which seek to tighten regulation for waste operators, including scrap metal dealers;
 - b. Whether the Department is the most appropriate body to issue licences, given that the function of NIEA is to tackle *environmental* crime. Issues

raised by the Department included concerns around dual regulation, which it believed might be open to challenge in the courts, and might contravene EU legislation should this Bill proceed in its current form;

- c. Inconsistencies between ROI and NI legislation, and concerns that this might harm both employment and economic growth in the Northern Ireland recycling industry, without similar regulations being made in ROI;
- d. Whether the existing voluntary Code of Conduct could be strengthened and form the basis of a legislative framework;
- e. Concerns regarding the impact of a cashless system or a system allowing a de minimus for cash transactions, and the enforcement of such; and
- f. Concerns regarding unintended consequences of who might be captured by the provisions of the Bill, outside of scrap metal dealers.

Department of the Environment's Evidence

- 26. A breakdown of the Department's commentary on each of the clauses can be found in Appendix 4. Some general comments are below.
- 27. The Department outlined its support for the need to address metal theft. However, it questioned whether a new Bill was needed as the regulation of all waste operators, which includes scrap metal dealers, has been (and is being) tightened significantly to deal with the environmental risks associated with illegal waste operators.
- 28. The Department advised that, since the consultation on the Bill was undertaken in 2012, it has introduced a number of measures which have placed more stringent controls on waste operators and waste carriers. The Department is of the view that it now has a sufficient legislation review programme to allow it to clamp down on illegal waste activity, which will in turn assist the PSNI in preventing and investigating metal theft.
- 29. The Department has concerns that the Bill, as introduced, may be unworkable. As the Bill makes environmental regulators responsible for regulating financial transactions relating to scrap metal, it had concerns this would lead to resourcing, capability and suitability issues for NIEA to run a

scrap metal licensing scheme that relates to non-environmental crime. The Department expressed concern that this role might distract from the challenges it faces in protecting the environment.

30. The Department outlined its change agenda: it's Regulatory Transformation Programme as part of the Better Regulation Agenda; and the transfer of environment functions to the new Department for Agriculture, Environment and Rural Affairs (DAERA). These, coupled with other reform programmes, might impact on NIEA's capacity and suitability to deal with the Bill at this time.
31. The Department outlined its views that having a separate scrap metal and waste licensing regime may be confusing to legitimate operators and the courts; and expressed concern regarding the impact lesser penalties may have.

Sponsor of the Bill's Evidence

32. The Sponsor of the Bill provided evidence to the Committee, responding to the Department's commentary on each of the Clauses on 12th and 14th January 2016. The Hansard of these sessions can be found in Appendix 2. Some general comments are below.
33. The Sponsor outlined the impact this crime has on victims and communities, but also the impact on the environment, including the damage by wasting energy and resources in reshaping stolen metal.
34. The Sponsor recognises the potential to dovetail the proposals of the Bill with the existing waste management licensing regime to minimise cost and bureaucracy; and expressed a willingness to engage with departmental officials to ascertain how this might be achieved.
35. The Sponsor advised that the main purpose of the Bill is to create mechanisms to improve traceability of scrap metal, thereby increasing the likelihood of either tracing the criminal or deterring the theft in the first instance. His proposed mechanisms to achieve this are as follows:
 - a. Cashless transaction proposal, with a limit to allow cash up to £100;
 - b. Records detailing the suppliers of scrap metal to dealers. The sponsor expressed concern that as England, Scotland, Wales and ROI all have

legislative traceability mechanisms, NI is the only region that does not have mandatory traceability of the source material. He expressed concern that, as a consequence, stolen material may come into Northern Ireland from ROI.

36. The Sponsor also expressed concern that not all dealers are signed up to the voluntary Code of Conduct; and that smaller dealers may go undetected.

Proposed Department Amendments

37. Departmental officials and the Sponsor of the Bill met on 27th January 2016. As a result, there was agreement between them on a proposed way forward.
38. The Committee would like to place on record its appreciation to departmental officials who have worked with the Sponsor to amend the Bill. The Committee is aware that the Sponsor was broadly supportive of the proposed departmental amendments as presented to the Committee on 9th February.
39. While the Committee was briefed on the policy content of possible departmental amendments at its meeting on 2nd February, it did not see the amendments until its meeting on 9th February. Sixty-nine amendments were proposed by the Department, which radically amended the Bill. Officials advised the Committee that:

“...as it has not been possible in the timeframe for the Department to engage sufficiently with either the industry or other Departments, officials remain nervous that radically revising the Bill in such a short period of time will mean insufficient scrutiny has been given to the draft amendments. The impact is such that the Bill could be flawed or would not deliver what is intended”.

40. The Committee does not have sufficient time to properly scrutinise the proposed amendments and the impact that these amendments might have on the industry. The Committee is appreciative of the work undertaken by the Department and the Sponsor; however, the Committee felt it would be remiss of it to come to a decision given it was not fully aware of the implications of the amendments.
41. A copy of the proposed amendments can be found in Appendix 4.

Summary of Evidence from other stakeholders

42. The Committee received written and oral submissions from **other** stakeholders following its call for evidence. Below is a summary of that evidence from the other stakeholders.

Clause 1 - Requirement for license to carry on business as a scrap metal dealer

43. Clause 1 introduces the requirement for a scrap metal dealer to hold a licence and outlines the offence and penalty for not holding a licence.
44. Ballyvesey Recycling Solutions outlined the robust regulation of the scrap metal industry through the existing waste management licencing regime; and advised that NIEA ensures compliance with terms of the licence. Also the voluntary Code of Conduct states that PSNI will carry out regular inspections to ensure compliance. The Federation of Small Businesses Northern Ireland (FSBNI) and DOJ responded positively to the level of fines proposed.

Clause 2 - Form and effect of licence

45. Clause 2 outlines the types of licence; the information that must be detailed in the licence; and the licence issuing body. A power is given to the Department to prescribe the form and content of the licence in Regulations.
46. Ballyvesey Recycling Solutions states that these requirements are already in existence and have to be met by the Waste Management Licence and Road Carriers Licence. FSBNI supports that the Department take the lead on the issue of licences; and that a collaborative approach is required across a range of departments. Further, it states that any system must be applied consistently to work fairly.

Clause 3 - Issue of licence

47. Clause 3 sets out the criteria for determining whether to issue a licence, and to ensure a licensee is a suitable person. It also allows the Department to include conditions if the licensee or site manager has been convicted of a relevant offence.
48. Ballyvesey Recycling Solutions says that present NIEA regulations state that it is necessary for at least one person in a managerial position to have a
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Certificate of Technical Competence. FSBNI agree that conditions should be met before the issue of a licence, but there should be a level of autonomy so the licensing authority can make informed decisions based on individual cases. It also states that the focus should be on rogue traders, not legitimate operators.

Clause 4 - Revocation of licence and imposition of conditions

49. Clause 4 provides the Department with the discretion to revoke a licence in particular circumstances. It allows the Department (as the licensing authority) to vary a licence and impose conditions, including during the period in which an appeal may be heard.
50. FSBNI suggests that the monitoring of compliance and the ability to carry out inspections should be devolved to NIEA. DOJ suggests a referencing amendment to subsection (4).

Clause 5 - Further provision about licences

51. Clause 5 provides that Schedule 1 has effect. Schedule 1 sets out further provisions about licences.
52. There were no specific views from stakeholders.

Clause 6 - Notification requirements

53. Clause 6 imposes a duty on an applicant to notify the Department of any changes which might affect the accuracy of information provided in connection with an application. It also obligates a licensee to notify the Department of any name change or if the business ceases to operate.
54. DOJ advised it was content with the level of fine on summary conviction.

Clause 7 - Closure of unlicensed sites

55. Clause 7 provides that Schedule 2 has effect. Schedule 2 covers the closure of unlicensed sites.
56. There were no specific views from stakeholders.

Clause 8 - Display of licence

57. Clause 8 requires the licensee to display of copy of their licence; and outlines the offence and penalty for non-compliance.
58. DOJ suggested an amendment to correct a reference; and is content with the level of fine.

Clause 9 - Verification of supplier's identity

59. Clause 9 places a requirement on scrap metal dealers, site managers and employees (who have been delegated responsibility to do so) to verify the identity of the person they are receiving metal from and the person's address. It outlines the acceptable forms of identification. It outlines the offence and penalty including providing a false name or address; and provides the Department with powers to prescribe in regulations other documents which are acceptable, or not, for verifying identity.
60. The British Metals Recycling Association (BMRA) suggests that further verification should be included in the form of a utility bill or bank statement, in support of a passport which does not have an address. Also, it suggests that it is not required to verify identity documents each time that person comes in, as a record could be held until the ID expires. It suggested an annual check could be put in place.
61. Ballyvesey Recycling Solutions state that this requirement has been in place for over 3 years in the Code of Conduct. FSBNI supports legislating for traceability aspects. DOJ and FSBNI are content with the level of fine.

Clause 10 - Offence of buying scrap metal for cash etc.

62. Clause 10 makes it a criminal offence to purchase scrap metal except by means of electronic transfer of funds or non-transferable cheque (i.e. traceable methods). There is provision, however, for cash payments of £100 or less (or payment in kind of the same value). There is provision for the Department to introduce by order payment methods and amend, remove or set a time limit on the £100 threshold for cash payments.
63. BMRA expressed concern that the banning of cash would have a detrimental impact on border business and that parallel or fiscal equality between ROI

and NI on this issue would be required. It believes a limit on cash transactions is difficult to police and for enforcement reasons recommends against a cash limit. Two submissions from the scrap metal industry expressed concerns regarding the banning of cash transactions.

64. PSNI and NI Utilities Working Group on Metal Theft recognised the difficulties for smaller businesses but felt a cashless system represented an appropriate and balanced response to the issue; and that enforcement against unregulated operators was essential.

65. DOJ and FSBNI are content with the level of fine.

Clause 11 - Receipt of metal

66. Clause 11 sets out the record keeping requirements of any scrap metal dealer in the course of their business. It introduces obligations relating to the receipt of 'suspicious scrap metal' and defines 'suspicious scrap metal'. There is provision for the Department to verify this description by order. There is a related duty to inform the PSNI of any suspicious metal received and to hold it available for inspection for no less than one week. Failure to comply with the requirements is an offence.

67. BMRA supports the general principal of reporting 'suspicious scrap metal'; however believes the clause requires further clarification and that a more general provision for the reporting of stolen items should be included. It suggests the removal of specific materials and removal of the additional test for suspicion in subsection (8)(b).

68. Ballyvesey Recycling Solutions state that this is already in the voluntary Code of Conduct. FSBNI supports recording the registration of the vehicle; and welcomes proposals to restrict trade of metal that has been burnt or defaced; and that an increased holding time may be required.

Clause 12 - Disposal of metal

69. Clause 12 makes similar provision to the previous one but relates to records of metal being disposed of by a site licensee or collector. The same sanctions apply.

70. BMRA supports the general record keeping; but considers subsection (3) relating to a weight threshold for keeping records of material difficult to

enforce, and recommends its removal. Ballyvesey Recycling Solutions also recommends the removal of a weight threshold and that all metals should be recorded.

Clause 13 - Records: supplementary

71. Clause 13 sets out the duties and offences in relation to the recording and keeping of records and establishes that breach of the requirements is an offence. It outlines who the offence will apply to; and that anyone convicted will be liable on summary conviction.
72. BMRA states that the provisions in subsection (1)(a) to link a transaction to specific material, because of the homogenous nature of scrap metal, is impossible and therefore should be reviewed. Ballyvesey Recycling Solutions also agreed that this is impossible to achieve.

Clause 14 - Rights to enter and inspect

73. Clause 14 provides the PSNI with a right to enter and inspect the premises of licensed and unlicensed scrap metal dealers. It also establishes that the PSNI may ask for the production of any scrap metal or records kept in accordance with Clauses 10 to 13. The clause creates an offence to obstruct the right of entry or inspection or to fail to produce the records that are required. It outlines the penalty for any breach.
74. BMRA states that there is no provision for those operating anywhere other than on a site. It suggests this should be reviewed to include specific provision for mobile collectors such as vehicle inspections.
75. Ballyvesey Recycling Solutions state this has not been an issue and is a condition of the existing voluntary Code of Conduct; and questions the need for this to be legislated for.
76. DOJ and PSNI suggest that authorised officers from the Department should be added. FSBNI also recommended that the monitoring of compliance should also be carried out by a Departmental official. This offence is punishable by a Level 3 fine on summary conviction. DOJ suggested that this would seem more appropriate for obstructing right of inspection or failing to produce records.

Clause 15 - Offences by bodies corporate

77. Clause 15 establishes that if an offence is committed by a body corporate, both individuals and the body corporate can be held liable. This applies to offences that are committed with the consent or connivance of a director, manager, secretary or other similar officer.
78. DOJ questions whether all prosecutions under the Bill will be against bodies corporate, the liability of whose members are limited, and asks whether an amendment should be made to dis-apply section 20 of the Interpretation Act.

Clause 16 - “Carrying on business as a scrap metal dealer” and “scrap metal”

79. Clause 16 provides definitions for the purposes of the Act including the definitions for ‘a scrap metal dealer’, ‘a mobile collector’ and ‘scrap metal’.
80. Arc21, NILGA, Antrim and Newtownabbey Borough Council and Lisburn and Castlereagh Borough Council suggest that Councils may be included within the Bill to hold a scrap metal licence, as councils do collect scrap metal from households and receive it at recycling plants. Concerns were expressed in the submissions that this would place a burden on councils and requested that provision is made to make it clear that Councils and their waste collection and management operations are not included in the Bill.

Clause 17 - Orders and Regulations

81. Clause 17 sets out the level of Assembly control in respect of Ministerial orders and making regulations under the Act.
82. There were no specific views from stakeholders.

Clause 18 - Interpretation

83. Clause 18 defines various terms referred to in the Bill.
84. There were no specific views from stakeholders.

Clause 19 - Commencement

85. Clause 19 allows for the Department to decide the dates on which the various provisions of the Act will take effect, though any provisions not already in force will automatically come into force 2 years after Royal Assent.
86. There were no specific views from stakeholders.

Clauses 20 - Review of implementation of this Act

87. Clause 20 requires the Department to prepare and lay before the Assembly a report addressing the implementation of the Act 6 months after Royal Assent and at least once every 6 months thereafter, until all provisions of the Act are in force.
88. FSBNI recommended that the Secretary of State carry out a review of the Act before a period of 5 years is over and publish a report on the findings. Also, it believes further interrogation of the prevalence of mobile collectors may be necessary.

Clause 21 - Short Title

89. Clause 21 sets out the short title of the Act.
90. There were no specific views from stakeholders.

Schedule 1 - Further provision about licences

91. This schedule sets the terms of the licence including the time period it covers and the eventualities should the application be withdrawn, refused or renewed. It gives the Department a power to alter the information requirements; to vary the licence; to request further information in considering the application and the option of declining to proceed upon failure of the person to produce the requested information. It makes it an offence to make false statement by an applicant. It states that the Department must have regard to the Department of Finance and Personnel guidance in setting a fee. It delineates the right of representation for applications where the Department has refused an application.
92. FSBNI agrees that an appeals mechanism is required. DOJ commented on paragraphs (5) and (9) (further information can be found in Appendix 3).

Schedule 2 - Closure of unlicensed sites

93. Schedule 2 contains further information and more detailed provisions relating to the closure of unlicensed sites, including a closure notice procedure.
94. DOJ is content with the level of fines.

Additional Comments

95. The Committee received comments which were not directly related to any of the Clauses of the Bill.
96. BMRA welcomes the introduction of the Bill as a robust licensing regime is essential to tackle metal theft. However, it expressed concerns over the impact of inconsistent legislative frameworks in ROI and NI; and that if enacted in its current form, the Bill will harm the employment and economic growth opportunities for the NI metal recycling industry. It states that the voluntary Code of Conduct is a sound base on which to tackle metal theft.
97. NI Utilities Working Group, NI Water and DRD Transport NI supports the Bill, as it believes it will increase traceability of those who have sold scrap metal to dealers and increase powers of access given to the police. It states that the proposed legislation will significantly help to protect residents from perpetrators of metal, thus improving the health and safety of their colleagues and local communities.
98. DOJ reflected on the probability that interventions, such as the voluntary Code of Conduct, alongside awareness campaigns and other interventions by the PSNI, in partnership with NIEA, have contributed to significantly reducing the level of this type of crime.
99. DOJ suggests that there should be provision for a Register of Licences, and that such a register be open to the public, to assist in ensuring that a dealer operating in their area was licensed appropriately and may be helpful in the case of mobile collectors. The PSNI also suggests that powers of arrest in relation to illegal activities at licensed sites, un-licensed sites and illegal landfill sites should mirror that of other jurisdictions such as Holland, which allow their Environment Agency to carry out arrests.
100. Ballyvesey Recycling Solutions stated the voluntary Code of Conduct should form the basis of any legislative framework.

101. Arc21 agrees that the Department be made responsible for regulatory activities associated with ensuring compliance with the legislation. It stressed, however, that it should be adequately resourced to ensure a robust monitoring and enforcement regime is put in place.

Clause by Clause Consideration

Clauses 1 to 20

102. The Committee indicated it was not content to form a view of the following Clauses 1 to 20, as the Committee is unable to give proper consideration and scrutiny of the complex issues raised at Committee Stage within the time remaining, including that it does not have a full understanding of the impact that the Bill will have on the scrap metal industry:

Clause 1: Requirement for licence to carry on business as a scrap metal dealer

Clause 2: Form and effect of licence

Clause 3: Issue of licence

Clause 4: Revocation of licence and imposition of conditions

Clause 5: Further provision about licences

Clause 6: Notification requirements

Clause 7: Closure of unlicensed sites

Clause 8: Display of licence

Clause 9: Verification of supplier's identity

Clause 10: Offence of buying scrap metal for cash etc.

Clause 11: Receipt of metal

Clause 12: Disposal of metal

Clause 13: Records: supplementary

Clause 14: Right to enter and inspect

Clause 15: Offences by bodies corporate

Clause 16: "Carrying on business as a scrap metal dealer" and "scrap metal"

Clause 17: Orders and regulations

Clause 18: Interpretation

Clause 19: Commencement

Clause 20: Review of implementation of this Act

Clause 21: Short title

103. The Committee indicated it was content with the clause as drafted.

Schedules 1 and 2

104. The Committee indicated it was not content to form a view of the following Schedules 1 and 2, as the Committee is unable to give proper consideration and scrutiny of the complex issues raised at Committee Stage within the time remaining, including that it does not have a full understanding of the impact that the Bill will have on the scrap metal industry:

Schedule 1: Further provision about licences

Schedule 2: Closure of licensed sites

Long Title

105. The Committee indicated it was content with the Long Title as drafted.

Proposed Departmental Amendments

106. As outlined in paragraphs 39 and 40, the Committee does not have sufficient time to properly scrutinise the proposed amendments and the impact that these amendments may have on the scrap metal industry.

Links to Appendices

[Appendix 1 - Minutes of Proceedings](#)

[Appendix 2 - Minutes of Evidence](#)

[Appendix 3 - Written Submissions](#)

[Appendix 4 - Papers from the Sponsor of Bill and Departmental Papers](#)

[Appendix 5 - Other Papers](#)

[Appendix 6 - Research Papers](#)

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ISBN 978-1-78619-177-9

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