



VEHICLES (CRIME) ACT 2001

Trading Standards

Part 1 of the Vehicles (Crime) Act 2001, effective from 21st October 2002, requires motor salvage operators who carry on business in the area of a local authority to register with that local authority, and to keep appropriate records detailing the purchase and the disposal of vehicles.

A **Motor Salvage Operator** is defined as a person who carries on a business which consists: -

- Wholly or partly in the recovery for re-use or sale of salvageable parts from motor vehicles and the subsequent sale or other disposal for scrap of the remainder of the vehicles concerned;
- Wholly or mainly in the purchase of written-off vehicles and their subsequent repair and re-sale;
- 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 previously mentioned.

A business shall be treated as carrying on business as a motor salvage operator in the area of a local authority if: -

- Premises in that area are occupied by him as a motor salvage yard (i.e. premises where a motor salvage operator receives or keeps his vehicles but excludes any premises where only salvageable parts of motor vehicles are received or kept);
- No premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but he has his usual place of residence in that area; or
- No premises are occupied by him as a motor salvage yard (whether in that area or elsewhere) but premises in that area are occupied by him wholly or partly for the purposes of that business so far as it consists of any of the activities which fall within the definition of a motor salvage operator.

"Premises" for the purposes of Part 1 of the Vehicles (Crime) Act includes any land or other place (whether or not enclosed).

Registration

The local authority must be satisfied that the applicant seeking to register is a "fit and proper" person to carry on the business of a motor salvage operator and the Kent County Council has formally agreed to administer the registration scheme on behalf of the twelve District Councils situated in the administrative area covered by the Council. If your business is operated from Medway you should contact Medway Council (Tel 01634 332061). Completed application forms will be submitted to Kent Police for comment. A registration fee is payable to the Council at the time of registration, and registration will last for three years. **Application forms can be requested by contacting Kent Trading Standards as detailed at the end of this guidance note.**

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Record Keeping Requirements

All registered persons must keep records as specified in the Motor Salvage Operators Regulations 2002, and these may be kept in either electronic or manual form. The records must be kept at the registered place of business.

When a registered person **receives** any vehicle he must keep a record of the following:-

- Details of the vehicle registration number, vehicle identification number, make, model and colour of the vehicle;
- The name, address and contact details of the supplier of the vehicle;
- 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 UK photocard driver's licence, a passport, a utility bill, council tax bill or rent book, or other form of identification containing a photograph of the vehicle supplier;
- 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;
- The date on which the information referred to above was entered on the record.

When a registered person **sells or otherwise disposes** of any vehicle he must add the following information to the record: -

- The date of sale or other disposal of the vehicle;
- The name, address and contact details of the person receiving the vehicle;
- 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 UK photocard driver's licence, a passport, a utility bill, council tax bill or rent book, or other form of identification containing a photograph of the vehicle purchaser;
- The condition of the vehicle at the time of disposal (e.g. whether it was repaired, unrepaired, dismantled, or in the same condition as at purchase);
- The date when the additional information was entered on the record.

The records must be kept for a period of six years from the date of the last entry on the record for each vehicle.

Offences

Failure to register, failure to keep the required records, knowingly or recklessly making a false statement on an application form for registration and failure to notify the Council of any changes to the registration details, are all criminal offences. It is also a criminal offence for any person selling a motor vehicle to a motor salvage operator, to give a false name and address.

Right to enter and inspect registered premises

A police constable may at any reasonable time enter and inspect registered premises and require the production of, and inspect, any motor vehicles or salvageable parts kept on those premises. A constable may also require the production of, inspect and take copies of or extracts from, any records required to be kept at such premises.

If you carry on a business as a motor salvage operator in the County of Kent (other than in Medway) and require an application form please contact your local Trading Standards office. East Kent - 01233 898825. West Kent - 01732 525291.