

## THE TRADE ACT

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### The Trade (Scrap Metal) Regulations, 2013

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In exercise of the power conferred upon the Minister by sections 8 and 18 of the Trade Act, the following Regulations are hereby made:-

#### *Preliminary*

**Citation.** 1. These Regulations may be cited as the Trade (Scrap Metal) Regulations, 2013.

**Interpre-** 2. In these Regulations -  
**tation.** "approved exporter" means an exporter approved under section 5 of the Jamaica Promotions Corporation Act;

"authorized officer" means -

(a) any member of the Jamaica Constabulary Force, the Island Special Constabulary Force, the Rural Police or the Jamaica Defence Force;

(b) any public officer designated as a Marine Officer under the Exclusive Economic Zone Act;

(c) any officer of the Factories Corporation of Jamaica designated as a authorized officer for purposes of these Regulations; and

(d) an inspector,

and includes any other person acting in the aid of such person acting in the execution of his office or duty;

"bale" means pack scrap metal in drums or other containers, compress scrap metal, or bind or

hold scrap metal together by cordage, metal straps, canvas rope or other material;

"carrier permit" or "permit" means a scrap metal carrier permit issued under regulation 12(3)(a);

"consignment" means any quantity of scrap metal intended for export;

"deal" in relation to scrap metal -

(a) includes buy, receive or otherwise acquire, and sell or otherwise dispose of, scrap metal in the way of trade or business, whether by way of barter, pledge or otherwise, and whether as principal or agent; but

(b) does not include a transaction relating to scrap metal which, by reason of the circumstances thereof, the parties thereto or the nature or quantity of the scrap metal involved therein, is an isolated transaction inconsistent with any form of dealing in scrap metal in the way of trade or business;

"equipment" includes machines, machinery, fixed or moveable devices, implements, apparatus, utensils, appliances, attachments, fittings and fixtures, gears, gadgets, tackles, accessories and contraptions;

"export licence" means an export licence granted under regulation 12(3)(a);

"functions" includes powers and duties;

"industrial scrap metal" means scrap metal that is generated through manufacturing process or

through the retirement of machinery, equipment  
destruction or renovation of buildings and  
industrial waste;

"inspector" means any person designated by the  
Minister as an inspector under regulation 24;

"itinerant dealer" means a person who –

- (a) carries on business as a scrap metal  
dealer otherwise than at a site; and (b)  
regularly engages, in the course of that  
business, in collecting scrap metal and  
waste materials and old, broken, worn out  
or defaced articles by means of visits  
from door to door;

"licensed scrap metal storage facility" means a scrap  
metal storage facility operated by a licensee;

"licensee" means the holder of a licence or permit  
to carry on business as a scrap metal exporter,  
an operator of a scrap metal storage facility  
or as a scrap metal dealer;

"multiple-user site" means a site approved by the  
Minister to be used for the processing and  
loading of scrap metal that is to be exported;

"operator" means the owner or person in charge or  
responsible for the operation of a licensed  
scrap metal storage facility;

"operating certificate" means a certificate issued  
by the Minister signifying that a person is a  
licensee;

"scrap metal" –

- (a) includes any old metal, second-hand metal,  
discarded metal, broken metal, defaced or  
old metal goods (including machinery and

plant), whether wholly or partly  
 manufactured, and any metal which is the  
 property of the Government of Jamaica  
 whether ferrous, non-ferrous or ferro-  
 alloyed; but

(b) does not include gold, silver or metals of  
 the platinoid group;

"scrap metal dealer" means a person who carries on  
 the business of buying or selling scrap metal,  
 whether scrap metal sold is in the form in  
 which it was bought or otherwise;

"scrap metal exporter" means a person who exports  
 scrap metal;

"scrap metal storage facility" means any premises in  
 which scrap metal is collected, sorted,  
 processed, received or stored;

"shipment certificate" means a certificate issued by  
 the Minister authorizing the export of a  
 consignment;

"specified scrap metal" means the scrap metal  
 specified in the First Schedule;

**First  
 Schedule.**

"stolen property" means -

- (a) property the possession whereof has  
 been obtained by theft, extortion,  
 robbery, false pretense or fraud;
- (b) property which has been misappropriated  
 or in respect of which a criminal  
 breach of trust or cheating has been  
 committed, whether the transfer has  
 been made or the misappropriation or  
 breach of trust or cheating has been  
 committed within or outside Jamaica,

but does not include such property comes into the possession of a person legally entitled to the possession thereof subsequently.

***Restriction on Export of or  
Dealing in Scrap Metal and Other Metals***

**Restriction  
on export-  
tation  
of scrap  
metal and  
other metals.**

3. - (2) The exportation of the following metals, whether scrap metal or otherwise, is restricted -
- (a) any irrigation pipes for use in agriculture;
  - (b) any rail, switch component, spike, angle bar, tie plate or bolt of the type used in constructing railroads;
  - (c) any copper wire, bar, rods or tubing, including copper wire or cable or coaxial cable of the type used by telecommunication service providers, whether wireless or wire, copper air conditioner, evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle or forming part of a motor vehicle or any combination thereof; and
  - (d) beams, bridges and man-hole covers.

(2) Except with the written permission of the Minister, a person shall not export or enter for export any metal specified in paragraph (1).

(3) Subject to paragraph 4, the exportation of scrap metal is prohibited.

(4) A person who contravenes paragraphs (1), (2) and (3) commits an offence.

**Restriction  
on export  
of specified  
scrap metal  
without  
licence, etc.**

4. - (1) Notwithstanding the provisions of regulation 3 and subject to paragraph (2), a person may export any specified scrap metal.

(2) Subject to paragraph (3), a person shall not export any specified scrap metal -

(a) unless he is an approved scrap metal exporter acting under the authority of an export licence granted by the Minister under regulation 13

(3)(a);

(b) except in accordance with the terms and conditions of the export licence; and

(c) except from a multiple-user site.

(3) A person who contravenes paragraph (2) commits an offence.

**Restriction  
on sale or  
purchase of  
bronze from  
cemeteries,  
etc.**

5. -(1) A person shall not sell to a scrap metal dealer and the scrap metal dealer shall not buy, export, or cause to be exported, any bronze vase, marker, memorial, statue, plaque or other bronze material used at a cemetery, crematorium, or location where deceased persons are interred or memorialized -

(a) unless the source of the bronze is known;

(b) the scrap metal dealer serves a notice on the Parish Council of the parish in which the dealer is located of his intention to deal in the bronze.

(2) A notice under paragraph (2) shall identify all names, letters dates and symbols on the bronze and a photograph of the bronze shall be attached thereto.

(2) A person who contravenes paragraph (1) commits an offence.

**Restriction  
on transport-  
ation  
of scrap  
metal.**

6. - (1) Except for purposes other than dealing in scrap metal, a person shall not transport scrap metal unless he holds a carrier permit issued by the Minister.

(2) A person who contravenes paragraph (1) commits an offence.

**Restriction  
on dealing in  
scrap metal.**

7. - (1) A person shall not deal in specified scrap metal with any person other than a licensed scrap metal exporter.

(2) A person who contravenes paragraph (1) commits an offence.

**Police to  
receive  
notice of  
intention  
to export  
specified  
scrap  
metal.**

8. - (1) A licensee shall not export any scrap metal unless he has given to the officer in charge of the police station nearest to the scrap metal storage facility or multiple-user site designated in that person's licence not less than seventy-two hours notice in writing of his intention to export the scrap metal, specifying in the notice the premises and time at which the scrap metal may be inspected.

(2) A person who contravenes paragraph (1) commits an offence.

**Restriction  
on hours of  
dealing  
in scrap  
metal.**

9. - (1) A person shall not deal in scrap metal except between the hours of eight o'clock in the morning and half-past six o'clock in the evening.

(2) A person who contravenes paragraph (1) commits an offence.

**Restriction  
on dealing  
in scrap  
metal with  
minor,  
unidentified  
person, etc.**

10. - (1) A person shall not deal in scrap metal with any person -

(a) under the age of eighteen years, whether that person is acting or purporting to act on his own behalf or on behalf of any other person, unless that person is accompanied by a parent, grandparent or guardian; or

(b) who does not satisfy him as to his identity.

(2) A person shall not deal in scrap metal with any person who is under the influence of any intoxicating liquor or drug, when the condition is visible or apparent.

(3) A person who contravenes paragraph (1) or (2) commits an offence.

**Restriction  
on the  
alteration,  
etc., of  
scrap metal.**

11.-(1) Except with the written permission of the Minister, on a request made in writing, a licensee shall not in relation to any metal intended for export

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- (a) alter, obliterate, tamper with the serial number, word or other identifying mark on the metal;
- (b) disfigure, cut or in any way change the form or shape of the metal; or
- (c) bale the metal.

(2) A person who contravenes paragraph (1) commits an offence.

(3) Upon receipt of a request under paragraph (1), the Minister shall cause an inspector to carry out an inspection of the metal to which the request relates.

(4) The inspector shall submit to the Minister a report in respect of an inspection carried out under paragraph (3).

(5) A report under paragraph (4) shall include a photograph or photographs of the metal in its original form and such relevant information and documents relating to the source of the metal as the Minister may require.

(6) Upon receipt of the report, the Minister may -

- (a) grant permission so to do; or
- (b) refuse to grant permission so to do.

***Application, Grant, Refusal, Renewal, Modification,  
Suspension and Revocation of Licence or Permit***



**Application  
for licence  
or permit.**

12. - (1) Every person who -
- (a) deals or proposes to deal in scrap metal as an itinerant dealer (Type 1) or as any other dealer (Type 2);
  - (b) exports or proposes to export or enter for export scrap metal as an industrial exporter (Type 1) or as a general exporter (Type 2); or
  - (c) operates or proposes to operate a scrap metal storage facility,

shall apply in the form and manner set out in paragraph (3) to the Minister for a licence to do so.

(3) An application under paragraph (1) shall -

- (a) be made in triplicate in the form set out as Form 1A (itinerant dealer (Type 1) or 1B (any other dealer (Type 2), industrial exporter (Type 1), general exporter (Type 2), or scrap metal storage operator, as the case may be, in the Second Schedule;
- (b) specify the premises to which the application relates;
- (c) be accompanied by the documents listed in relation thereto in the Third Schedule;
- (d) the fee specified in relation thereto in the Fourth Schedule; and
- (e) such information, documents, or environmental impact assessment, as the Minister may require.

(2) A person who transports or proposes to transport scrap metal for dealing shall apply, in the form and manner set out in paragraph (4), to the Minister for a carrier permit.

(4) An application under paragraph (2) shall be

**Forms 1A and  
1B.  
Second  
Schedule.**

- (a) made in triplicate in the form set out as Form 2 in the Second Schedule; and

**Form 2.**

- (c) be accompanied by the documents listed in relation thereto in the Third Schedule;

**Third Schedule.**

- (d) the fee specified in relation thereto in the Fourth Schedule; and

**Fourth Schedule.**

- (e) such information, documents, or environmental impact assessment, as the Minister may require.

(6) The following persons are disqualified from giving a character reference for an applicant for a licence -

- (a) a person who has, within the previous five years, been convicted of an offence -

- (i) in connection with the promotion, operation or management of a business; or

- (ii) involving fraud or dishonesty; or

- (b) a person who is an associate of the applicant.

(7) For the purposes of paragraph (6)(b), a person is an associate of an applicant if -

- (a) they are partners;
- (b) they are both involved in the same business;
- (c) they are both directors of the same company;
- (d) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust; or
- (e) one is a spouse, domestic partner, parent, grandparent, child or grandchild of the other.

(8) A character reference shall be in the form set

**Form 2A.**

out as Form 2A in the Second Schedule.

**Grant or refusal of export licence.**

13. - (1) Upon receipt of an application under regulation 12, the Minister shall cause an inspector to

carry out an inspection of any premises to which the application relates.

**Form 3.** (2) The inspector shall submit to the Minister a report in the form set out as Form 3 in respect of an inspection carried out under paragraph (1).

(3) Upon receipt of the report, the Minister may -

**Fourth Schedule.** (a) grant a licence or issue a permit upon payment of the fee specified in relation thereto in the Fourth Schedule; or  
(b) refuse to grant a licence or issue a permit.

(4) A licence granted or permit issued under this regulation shall be in the case of -

**Form 4A.** (a) a licence to export or enter for export, scrap metal, in the form set out as Form 4A in the Second Schedule; and  
**Form 4B.** (b) a licence to operate a scrap metal storage facility, in the form set out as Form 4B in the Second Schedule;  
**Form 4C.** (c) a licence to deal in scrap metal, in the form set out as Form 4C in the Second Schedule; and  
**Form 4D.** (d) in the case of a carrier permit, in the form set out as Form 4D in the Second Schedule.

(5) A licence or permit granted under paragraph (4) shall be subject to such terms and conditions, including the provision of insurance, as may be specified therein.

(6) It shall be a condition of every licence granted for the exportation of scrap metal that the scrap metal shall only be exported from a multiple-user site so, however, that industrial scrap metal may be exported by an industrial exporter from a scrap metal

storage facility in his own name.

(7) Where the Minister grants a licence or permit under paragraph (4)(b), he shall issue an operating certificate to the licensee or holder of the permit in the form set out as Form 4E in the Second Schedule.

**Form 4E.**

(6) Where, pursuant to paragraph (3)(b), the Minister refuses to grant a licence or issue a permit, the Minister shall inform the applicant in writing of the refusal and the reasons therefor.

(7) Where a licensee is an itinerant dealer (Type 1) the Minister shall note that fact on his licence and the provision of regulation 26 shall apply.

**Non-trans-ferability, validity of licence or permit.**

14. A licence granted or permit issued under regulation 13 shall not be transferable and shall be valid for a period of one year.

**Refusal to grant licence or issue permit.**

15. - (1) The Minister may refuse to grant a licence or issue a permit under these Regulations -

- (a) where, in the opinion of the Minister, the issue of the licence or permit would not be in the public interest;
- (b) where an application contains or is based on a false or misleading representation or on information which is false in a material particular;
- (c) to an individual who -
  - (i) is under the age of eighteen years;
  - (ii) is an undischarged bankrupt; or
  - (iii) has been convicted, during the period of five years immediately preceding the application, of an offence specified in paragraph (2);
- (d) to a body corporate -

- (i) in respect of which a resolution has been passed for voluntary winding up or an order has been made by a court of competent jurisdiction for its winding up;
- (ii) if a receiver has been appointed to manage any of its assets;
- (iii) if any of its directors has been convicted of an offence specified in paragraph (2) during the period of five years immediately preceding the application; or
- (iv) which has been convicted during the period of five years immediately preceding the application of an offence specified in paragraph (2).

(2) The offence referred to in paragraph (1) is -

- (a) an offence against these Regulations; or
- (b) an offence involving fraud or dishonesty.

**Renewal of  
licence or  
permit.**

16. - (1) A licence granted or permit issued pursuant to these Regulations may be renewed by the Minister if

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- (a) an application for renewal is made not later than thirty days before the date of expiry or within such longer period as the Minister may allow;
- (b) the Minister is satisfied that the licensee or holder of the permit is operating in compliance with the provisions of these Regulations;
- (c) the applicant has paid all fees payable to the Minister under these Regulations;

- (d) there has been no material change in the circumstances which existed at the time the export licence was granted which would justify the application being treated as a new application in the manner specified in paragraph (2); and
- (e) the applicant has not been convicted of an offence specified in regulation 15(2) or, in the case of a body corporate, a director, the manager, the secretary or other officer thereof has not been convicted of such an offence.

(2) Where the Minister -

- (a) receives an application for the renewal of an export licence after the period specified in paragraph (1)(a); or
- (b) is satisfied that a material change of circumstances has occurred since the export licence had been granted,

he shall treat the application as a new application, and accordingly, the provisions of regulations 12 and 13 shall apply.

(3) An application for the renewal of a licence

**Form 5.**

or permit shall be in the form set out as Form 5 in the

**Second  
Schedule.**

Second Schedule.

**Restriction  
on grant  
of licence  
or permit  
retrospec-  
tively.**

17. The Minister shall not issue a licence or permit retrospectively.

**Variation,  
etc., of  
licence or  
permit.**

18. - (1) A licensee or holder of a permit may apply in writing to the Minister for variation, modification or

surrender the licence or permit stating clearly the reasons therefor.

(2) In considering an application under paragraph (1), the Minister shall have regard to the matters specified in regulation 13.

(3) An application for the variation, modification or surrender of a licence or permit shall be in the form set out as Form 6 in the Second Schedule.

**Form 6.  
Second  
Schedule.**

**Suspension  
of licence  
or permit.**

Form 7.

19. - (1) Subject to paragraph (2), the Minister may, by serving a notice in the form set out as Form 7 in the Second Schedule, suspend a licence or permit if -

(a) the licensee or the holder of the permit is in breach of -

(i) any provision of the Act or any regulations made thereunder; or

(ii) any term or condition subject to which the licence or permit is granted;

(b) he is satisfied that it is not possible to carry out a proper inspection of any premises to which a licence or permit relates;

(c) a licensee or holder of a permit notifies the Minister in writing that he intends to cease the operations for which he is licensed or authorized for the period stated in the notice.

(2) Before suspending a licence or permit under paragraph (1), (b) or (c), the Minister shall notify the licensee or holder of the permit in writing of the proposed suspension -

(a) stating the reason therefor;

- (b) requiring the licensee or holder of a permit, in the case of a breach, to remedy the breach within the time specified in the notice.

(3) A licensee or holder of a permit who is served with a notice of suspension of a licence or permit shall, after remedying the breach which gave rise to the suspension, notify the Minister in writing that the breach has been remedied.

(4) The Minister shall, upon receipt of a notice referred to in paragraph (3), cause an inspection to be carried out within ten days of the receipt of the notice and if, on inspection, the inspector is satisfied that the breach has been remedied, he shall report in writing to the Minister who shall withdraw the notice of suspension.

**Revocation of licence.**

20. - (1) The Minister may revoke a licence or permit if he is satisfied that -

- (a) the licensee or holder of the permit has ceased to comply with the provisions of these Regulations;
- (b) the application for the licence or permit contained any false or misleading information in any material particular;
- (c) the licensee or holder of the permit has failed to remedy the breach which gave rise to the suspension of the export licence under regulation 19, within the time specified in a notice under paragraph (2) of that regulation; or
- (d) any fee or other charge payable by the licensee or holder of the permit under the Regulations remains unpaid for a period of



ninety days after the suspension of the export licence.

(2) Before revoking a licence or permit under paragraph (1), the Minister shall notify the licensee or holder of the permit in writing of the proposed revocation stating the reasons therefor.

**Form 8.**

**Second  
Schedule.**

(3) A notice for the revocation of a licence or permit shall be in the form set out as Form 8 in the Second Schedule.

(4) Where a licence or permit is revoked pursuant to this regulation, the licence or permit and any operating certificate shall be returned forthwith to the Minister.

**Notice  
board to  
be erected  
by licensee.**

21. - (1) Every licensee shall display conspicuously on the exterior and adjacent to the main entrance of the scrap metal storage facility, a notice board bearing his full name and the words "Licensed Exporter, Scrap Metal" or "Licensed Operator, Scrap Metal Storage Facility" or "Licenced Dealer, Scrap Metal", as the case may be.

(2) The writing on the notice board shall be of a height of not less than four inches.

(3) The identification number of every scrap metal storage facility shall be affixed on the immediate container of scrap metal to be exported or entered for export preceded by the words "Licensed Scrap Metal Storage Facility" or "Lic. SMSF No.", as the case may be.

(4) An operator who fails to comply with the requirements of paragraphs (1), (2) or (3) commits an offence.

**Inventory  
to be  
prepared  
on grant  
of licence  
or issue of  
permit.**

22. - (1) Every licensee or holder of a permit shall, within one month of the grant of his licence or issue to him of his permit, correctly prepare in duplicate a detailed inventory of each variety of scrap metal, which is, at the date of the grant of the licence or permit, in his possession or under his control.

**Form 9.  
Second  
Schedule.**

(2) An inventory under paragraph (1) shall be in the form set out as Form 9 in the Second Schedule.

(3) A licensee who fails to comply with the requirements of paragraph (1) commits an offence.

### ***Records***

**Records.**

23. - (1) Subject to paragraph (2), there shall be kept, in electronic or manual form, as is appropriate, at the scrap metal storage facility or multiple-user site a scrap metal dealer sheet in the form set out as Form 10 in the second Schedule and -

**Form 10.  
Second  
Schedule.**

- (a) in the case of scrap metal storage facility, records detailing all scrap metal received at the facility and all scrap metal either stored at or dispatched from the facility; and
- (b) in the case of a multiple-user site, records detailing all scrap metal exported from that site and all scrap metal either processed or dispatched from the site.

(2) Two or more sets of record may be kept where the scrap metal stored at or dispatched from a facility or site is not received at that facility or site.

(3) Every scrap metal exporter or scrap metal dealer shall when purchasing any metal keep an accurate and legible record in which he shall enter the following information in respect of each purchase

transaction -

- (a) the name, address and age of the person from whom the metal is purchased as obtained from a Passport, driver's licence or other Government issued photographic identification belonging to the seller;
- (a) the date, place, and time of each transaction;
- (b) a description of the metal, including -
  - (i) any serial number, word, or other identifying feature;
  - (ii) the weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, purchased in a purchase transaction;
  - (iii) a statement on whether it appears to have been altered by any means, including obscuring a serial number, word or other identifying feature;
  - (iv) the type of item;
  - (v) its manufacturer, model number, year of manufacture if known, and serial number if known; and
  - (vi) its color and size;
- (c) if a person other than the seller delivers the metal to the purchaser, the name, address and age of the person who delivers the metal property as obtained from a Government issued photographic identification card belonging to the seller;
- (d) the price of the metal, if it has been ascertained at the time the entry is made or if no

price has been ascertained, the estimated value of the scrap metal;

- (e) the price paid and any other consideration obtained if different from the price;
- (f) the number of the registration plate of any motor vehicle used to deliver the scrap metal; and
- (g) a signed statement from the person who is paid that he is the rightful owner of the scrap metal or other metal or is entitled to sell it.

(4) Where a licensee receives a motor vehicle as scrap metal he shall make and keep a record of the following information -

- (a) details of the vehicle registration number, vehicle identification number, make, model and colour of the vehicle;
- (b) the name, address and contact details of the supplier of the vehicle;
- (c) the name, address and age of the person from whom the motor vehicle is purchased as obtained from a passport, driver's licence or other Government issued photographic identification belonging to the supplier;
- (d) the general condition of the vehicle including whether the vehicle is damaged, and if so, 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 paragraphs (a) to (d) above was entered on the record.

(5) When a licensee sells or otherwise disposes of any vehicle, he shall include the following 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 motor vehicle;
- (c) details of any proof of identity shown to the licensee 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 Jamaican driver's licence, a passport, or other form of identification containing a photograph of the vehicle purchaser;
- (d) the condition of the vehicle at the time of the sale or other disposal, including, whether it was repaired, unrepaired, dismantled, or in the same condition as at purchase;
- (e) the date when the information referred to in paragraphs (a) to (d) was entered on the record.

(6) Entries shall be made immediately upon receipt, processing or dispatch and books containing records shall be kept for two years following the last entry.

(7) Where a person satisfies the Minister that the business is part of the business of an itinerant scrap metal dealer (Type 1), the Minister may, after consulting with the Commissioner of Police, make an order requiring that, on the sale of any scrap metal,

he shall obtain from the purchaser a receipt showing the weight of the metal and the aggregate price at which it was sold.

(8) The receipts shall be kept for two years and shall be produced on demand to any person or body authorized by the Minister to require their production.

(9) Every general exporter of specified scrap metal shall -

- (a) transmit to the manager of the multi-user site or his authorized representative electronically the record detailing every consignment of scrap metal and all scrap metal to be brought to the site; and
- (b) on arrival at the site, present a hard copy of the record so transmitted to the manager of the multi-user site or his authorized representative.

#### ***Inspection and Certification of Scrap Metal***

#### **Designation of inspectors.**

24. - (1) The Minister may, from time to time, designate as inspectors for the purposes of these Regulations, public officers or persons who, by training and experience are, in his opinion, qualified to be so designated.

(2) Each inspector shall be furnished with an identification card and shall, on entering any place for the purpose of carrying into effect any of the functions set out in regulation 25, produce the identification card when required.

(3) The designation of any person as an inspector shall be published in the *Gazette*.

#### **Functions of inspectors.**

25. The functions of an inspector shall be to -

- (a) inspect scrap metal storage facilities and

multiple-user sites in order to -

- (i) ensure compliance with these Regulations or any condition subject to which a licence or permit is granted; and
  - (ii) examine the premises, facilities, sites, equipment and staff in order to prevent dealing in scrap metal other than specified scrap metal and control any malpractice relating to scrap metal;
- (b) certify scrap metal for export;
- (c) take samples of scrap metal;
- (d) inspect any container, vehicle or other vessel which is used or intended to be used for the storage or transportation of scrap metal;
- (e) open and examine any container, vehicle or other storage device at licensed scrap metal storage facilities and multiple-user sites which are reasonably believed to contain any scrap metal;
- (f) tag scrap metal and any container or package in which it is stored which contravenes or which the inspector believes to contravene the Act or these Regulations;
- (g) give directives to the operator of any container, vehicle, aircraft, boat or vessel which is used or intended to be used for the storage or transportation of scrap metal; and
- (h) examine, and where necessary, make copies of, or take extracts from, any records and document required to be kept under these

## Regulations.

**Reference to keeping books.**

26. Where a licensee does not operate a scrap metal storage facility or a multiple-user site and is not registered as an itinerant dealer then the reference to keeping a book at a scrap metal storage facility or a multiple-user site shall be construed as a reference to keeping a book either at the licensee's usual place of residence or at any other place occupied for the purpose of the scrap metal business.

**Reference to receipts, etc.**

27. - (1) The references to the receipt, storage or dispatch of scrap metal at or from a place shall be construed as the receipt, storage or dispatch of scrap metal during the course of business.

(2) Particulars shall be entered in the book as soon as is practicable.

***Intention to Enter Prescribed  
Scrap Metal for Export***

**Notice of intention, inspection and certification.**

28. - (1) An exporter who intends to export specified scrap metal shall give to the Minister notice of such intention in such form as the Minister may determine at least seven days prior to date of export of the specified scrap metal.

(2) Where a notice of intention to enter for export specified scrap metal has been given to the Minister, the Minister shall cause an inspection of the specified scrap metal to be carried out.

(3) Where on inspection the specified scrap metal is found to be fit for export the Minister shall issue a shipment certificate in respect of the specified scrap metal on payment of the fee prescribed in relation thereto in the Fourth Schedule.

**Fourth Schedule.**



(4) Scrap metal in a multi user site may be held for five days for viewing by any member of the public; and the licensed exporter shall afford that person an opportunity to view the scrap metal.

(5) No person shall alter, add to or delete information contained in -

(a) a notice of intention to enter for export specified scrap metal after certification of the notice under paragraph (1); or

(b) an export health certificate after the issue thereof.

(5) A person who contravenes a provision of paragraph (1) commits an offence.

***Duties of Licensee or Holder of Permit  
in Relation to Lost or Stolen Property***

**Information  
regarding  
property  
stolen or  
lost.**

29. - (1) Where a description of any stolen property or any property which has been lost has been given by a police officer to a licensee, and any property answering to such description is in the possession or under the control of the licensee or thereafter comes into his possession or under his control or is thereafter offered or shown to the licensee, the licensee shall forthwith give information to that effect at the nearest police station or to a police officer, along with the name and address of the person from whom he acquired such property, and such other relevant information as is known to him.

(2) Any licensee who fails to comply with the provisions of paragraph (1) commits an offence.

***Offences and Penalties Generally***

**Offence of  
exporting,  
etc. scrap**

30. A person commits an offence if he who exports or

- metal without licence or certificate.** enters for export scrap metal -
- (a) without a valid licence or shipment certificate or otherwise in contravention of these Regulations; or
  - (b) during any period in which his licence is suspended or revoked.
- Offence of operating storage facility in contravention of the Act.** 31. A person commits an offence if he operates a scrap metal storage facility -
- (a) without a valid licence or otherwise in contravention of these Regulations;
  - (b) during any period in which his licence is suspended or revoked.
- Offence of exporting without identification number.** 32. Every person who exports or enters for export any scrap metal without an identification number affixed to the packaging commits an offence.
- Offence of corruption by authorized officer.** 33. Any authorized officer who in the performance of his functions under these Regulations -
- (a) accepts a bribe in cash, goods, service or kind; or
  - (b) falsifies any record or report,
- commits an offence.
- Offence of making false or misleading statement.** 34. Every person who -
- (a) for the purposes of obtaining, whether for himself or for any other person, the issue, grant or renewal of any licence under these Regulations, makes any declaration or statement which is false or misleading in any particular;
  - (b) knowingly furnishes to any authorized officer any document containing information which is false or misleading;
  - (c) knowingly utters, produces or makes use of any

declaration or statement or any document containing any false declaration or statement;

(d) falsifies or amends any information contained in a licence or shipment certificate, commits an offence.

**Offence of threatening, etc., authorized officer.**

35. Any person who threatens, assaults or obstructs an authorized officer acting in the execution of his duties under these Regulations commits an offence.

**Offence of failure to keep records.**

36. Every person who -

(a) fails to keep any records or other documents required by these Regulations; or

(b) fails, without reasonable excuse, to produce any such books, records or other documents,

commits an offence.

**Penalty.**

37. Any person who contravenes any provision of these Regulations is liable on summary conviction before a Resident Magistrate to a fine not exceeding two million dollars or to a term of imprisonment not exceeding two years, or to both such fine and imprisonment.

**Licensee to provide accommodation.**

38. Every licensee shall, if the Minister so requires provide a seat and a table which he shall permit any person authorized by the Minister to occupy in a suitable part of that place for the purpose of ensuring compliance with the provisions of these Regulations.

**Cessation order.**

39. - (1) Where a person who exports scrap metal fails to apply for an export licence as required under or by regulation 12, the Minister may issue an order in writing to that person directing him to cease all dealing in scrap metals, by such date as shall be specified in the order.

(2) Where the person to whom an order is issued under paragraph (1) fails to comply with the order, the

Minister may -

- (a) direct an authorized officer to take such steps as he considers appropriate to ensure the cessation of all activities connected with the exportation which the order relates; or
- (b) apply to the Supreme Court for an injunction, whether or not it has exercised or is proposing to exercise its powers under subparagraph (a) or any of its other powers under these Regulations.

(3) In carrying out a direction pursuant to paragraph (2)(a), an authorized officer may use such force as may be necessary for the purpose of ensuring compliance with the order.

**Form 11.  
Second  
Schedule.**

(4) A cessation order shall be in the form set out as Form 11 in the Second Schedule.

### ***General***

**Industrial  
scrap metal  
to be sold to  
licensed  
dealer.  
Requirement  
for companies  
to place mark  
on scrap  
metal.**

40. Every person who generates industrial scrap metal shall only sell the scrap metal to a licensed dealer.

41. - (1) Every company that sells scrap metal to a licensed dealer shall engrave or otherwise place a serial number, word or other distinguishing mark on the scrap metal to identify the metal as being sold by that company.

(2) A company that contravenes paragraph (1) commits an offence.

**Register.**

42. - (1) The Minister shall keep, in such manner as he thinks fit, an official register or registers, in manual or electronic form or otherwise, in which shall be kept a record of all licences granted or permit

issued; and all actions taken under the Act or these Regulations in respect of any such export licence shall be entered in the appropriate register.

**Fourth  
Schedule.**

(2) The official register shall contain the information specified in the Fourth Schedule and each entry therein shall be signed by the person authorized for that purpose by the Minister.

**Fourth  
Schedule.**

(3) Every register to which paragraphs (1) and (2) refers shall be open for inspection free of charge to the public at the offices of the Minister at all reasonable hours, copies of any entry in any such register may be provided to any person on payment of the fee specified in the Fourth Schedule.

(4) The Minister shall evaluate for exclusion from public disclosure any information indicated by the applicant to be commercially sensitive or the disclosure of which would be contrary to the public interest or the interest of national security.

**Fees.**

43. The fee specified in the second column of the Fourth Schedule shall be payable in respect of the matters respectively specified in relation thereto in the first column of the Schedule.

**Revocation.**

44. The Trade (Scrap Metal) Regulations, 2007, are hereby revoked.

**FIRST SCHEDULE (Regulations 2  
and 4(1))**

***Scrap Metal Requiring an Export Licence***

- |               |  |
|---------------|--|
| 1. Chapter 72 | -Iron and Steel - only those tariff headings and numbers listed below -              |
| 72.04         | Ferrous waste and scrap, re-melting scrap ingots of iron and steel                   |
| 2. Chapter 74 | -Copper and articles thereof - only those tariff headings and numbers listed below - |

- |               |  |
|---------------|--|
| 74.04         | Copper waste and scrap   |
|               | -Nickel and articles thereof - only those tariff headings and numbers listed below -   |
| 3. Chapter 75 |  |
| 75.03         | Nickel waste and scrap   |
| 4. Chapter 76 |  |
|               | -Aluminum and articles thereof - only those tariff headings and numbers listed below - |
| 76.02         | Aluminum waste and scrap   |
| 5. Chapter 78 |  |
|               | -Lead and articles thereof - only those tariff headings and numbers listed below -     |
| 78.02         | Lead waste and scrap   |
| 6. Chapter 79 |  |
|               | -Zinc and articles thereof- only those tariff headings and numbers listed below -      |
| 79.02         | Zinc waste and scrap   |
| 7. Chapter 80 |  |
|               | -Tin and articles thereof - only those tariff headings and numbers listed below -      |
|               | Tin waste and scrap  |
| 8. Chapter 81 |  |
|               | Other base metals; Cermets; articles thereof   |

**SECOND SCHEDULE**      (Regulations, 12, 13, 16, 18, 19, 20, 22 and 39)

***Forms***

(INSERT FORMS HERE)

**THIRD SCHEDULE**      (Regulation 12)

**FOURTH SCHEDULE**      (Regulation 44)

**Fees**

**Fee \$**

Export licence Category -

(a)	upon each application for a licence	300.00
(b)	upon the grant of an export licence	4,175.00
(c)	upon the grant of a licence to operate a scrap metal storage facility or dealer's licence	... 15,000.00
(d)	upon the grant of a licence to an itinerant dealer	... .. 500.00
(e)	upon the grant of a licence to any other dealer	... .. 10,000.00
(f)	carriers licence	... .. 2,000.00
(g)	upon renewal of an export licence	5,000.00
(h)	copies of entries in Register for each copy	... .. 50.00

Any fee paid in respect of an application  
for an export licence shall not be  
refundable.

Dated this                      day of                      , 2013.

Minister of Industry, Investment  
and Commerce