



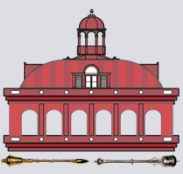
PARLIAMENT  
REPUBLIC OF TRINIDAD AND TOBAGO

BILL ESSENTIALS NO. 6 OF 2022-2023  
3RD SESSION, 12TH PARLIAMENT



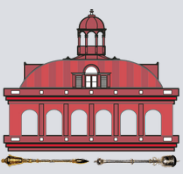
# BILL ESSENTIALS

SCRAP METAL BILL, 2022



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# INTRODUCTION

THE SCRAP METAL BILL, 2022 (“THE BILL”) WAS INTRODUCED IN THE HOUSE OF REPRESENTATIVES BY THE ATTORNEY GENERAL, SENATOR THE HONOURABLE MR. REGINALD T. A. ARMOUR SC ON DECEMBER 9, 2022.

THE BILL PROVIDES FOR A MODERN REGULATORY FRAMEWORK TO MANAGE THE SCRAP METAL INDUSTRY AND WILL REPEAL THE OLD METAL AND MARINE STORES ACT CHAPTER 84:07.

THE BILL WILL COME INTO FORCE ON SUCH DATE AS FIXED BY THE PRESIDENT BY PROCLAMATION.



# KEY FEATURES OF THE BILL

## 1. LICENSING

SCRAP METAL DEALERS AND COLLECTORS WILL BE REQUIRED TO OBTAIN A PROPER LICENCE TO CARRY OUT THEIR BUSINESS.

## 2. ELIGIBILITY

- YOU MUST BE AT LEAST 18 YEARS OLD
- A CITIZEN OF TRINIDAD & TOBAGO
- A PERMANENT RESIDENT OF TRINIDAD & TOBAGO; OR
- A CITIZEN OF CARICOM MEMBER STATE

A COMPANY, FIRM, PARTNERSHIP OR CO-OPERATIVE SOCIETY CAN APPLY FOR A LICENCE PROVIDED THAT AT LEAST 30% OF THE ENTITY IS OWNED BY A PERSON MEETING THE ABOVEMENTIONED REQUIREMENTS.

### NOTE:

A PERSON WHO HAS BEEN CONVICTED OF AN INDICTABLE OFFENCE UNDER THE DANGEROUS DRUGS ACT OR THE PROCEEDS OF CRIME ACT **CANNOT** APPLY FOR A LICENCE UNDER THE ACT/BILL, UNLESS THE CONVICTION HAS BEEN EXPUNGED UNDER THE DANGEROUS DRUGS ACT.



# KEY FEATURES OF THE BILL

## 3. GRANT/REVOCAION OF LICENCE

THE MINISTER IS EMPOWERED TO GRANT, REFUSE, RENEW, VARY, SUSPEND AND REVOKE A SCRAP METAL COLLECTOR'S LICENCE AND AS SCRAP METAL DEALER'S LICENCE.

THESE LICENCES MAY BE SUBJECT TO CONDITIONS, REQUIREMENTS AND RESTRICTIONS PRESCRIBED BY THE MINISTER

## 4. VALIDITY OF LICENCE

THE SCRAP METAL COLLECTOR'S OR DEALER'S LICENCE WILL ONLY BE VALID FOR **ONE (1) YEAR** FROM THE DATE ISSUED OR RENEWED.

## 5. POWER OF MINISTER - REVOKE/REFUSE/RENEW/SUSPEND

THE TABLE ON PAGE 6 SHOWS THE INSTANCES WHERE THE MINISTER HAS THE POWER TO REFUSE, RENEW, REVOKE AND SUSPEND LICENCES.

## 6. VARIATION OF LICENCE

THE MINISTER IS EMPOWERED TO VARY A LICENCE WHERE THERE ARE CHANGES THAT MATERIALLY AFFECT THE ACCURACY OF THE INFORMATION THAT THE APPLICANT GAVE FOR THE APPLICATION.



# KEY FEATURES OF THE BILL

REFUSAL	RENEWAL	REVOCACTION	SUSPENSION
<p>The Minister may refuse to grant a licence when:</p> <ul style="list-style-type: none"> <li>the application contains or is based on false or misleading information</li> <li>the applicant fails to satisfy any condition</li> <li>the applicant is: <ul style="list-style-type: none"> <li> under eighteen</li> <li> bankrupt<sup>4</sup></li> <li> has been convicted of an offence involving dishonesty or fraud 5 years immediately preceding the date of application</li> </ul> </li> <li>they are of the opinion that issuing the licence would be contrary to the public interest</li> </ul>	<p>The Minister may renew a licence when:</p> <ul style="list-style-type: none"> <li>the licensee operates within the conditions, restrictions and requirements that the licence was subject to when it was granted</li> <li>there have been no changes in circumstances since the licence was granted</li> <li>the licensee has not been convicted of an offence that involved fraud or dishonesty</li> <li>the licensee is registered with the Supervisory Authority</li> <li>the Licensee satisfied the prescribed conditions</li> </ul>	<p>The Minister may revoke a licence when:</p> <ul style="list-style-type: none"> <li>the licensee is no longer eligible to carry on business as a scrap metal dealer or scrap metal collector</li> <li>the licensee is no longer operating within any conditions, restrictions or requirements that the licence was subject to when it was granted;</li> <li>there has been a change in the circumstances which existence when the licence was granted</li> <li>the licensee was convicted of an offence that involves fraud or dishonesty</li> <li>the licensee conducted business in a manner that breached the conditions of the licence.</li> </ul>	<p>The Minister may suspend a licence by notice when:</p> <ul style="list-style-type: none"> <li>the licensee is in breach of <ul style="list-style-type: none"> <li> any provision under the Act or Regulation made under the Act</li> </ul> </li> <li>a licensee has been convicted under the Act or any regulations made under the Act</li> <li>the Minister is satisfied that it is not possible to carry out a proper inspection of any premises that is related to a licence</li> <li>the scrap metal site of a licensee is no longer appropriate for carrying out scrap metal business</li> <li>a licensee is no longer a fit and proper person to be a licensee</li> <li>a licensee notifies the Minister in writing that he intends to cease the operations that they are licensed for the period that is stated in the notice.</li> </ul>



# KEY FEATURES OF THE BILL

## **7. NOTICE OF DECISION**

THE MINISTER MUST GIVE NOTICE OF HIS DECISION TO REFUSE AN APPLICATION, REFUSE A RENEWAL AND REVOKE A LICENCE.

THIS NOTICE MUST ALSO SET OUT THE REASONS FOR THE DECISION.

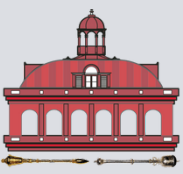
## **8. NON-TRANSFERABILITY**

A LICENSEE CANNOT TRANSFER OR ASSIGN A LICENCE TO ANOTHER PERSON.

UPON SALE/TRANSFER OR OWNERSHIP OF SCRAP METAL SITE. THE NEW OWNER WILL BE REQUIRED TO APPLY FOR A LICENCE.

## **9. RECORDS**

A SCRAP METAL DEALER AND A SCRAP METAL COLLECTOR WILL BE REQUIRED TO MAINTAIN AND STORE RECORDS, WHETHER IN WRITTEN OR ELECTRONIC FORM, OF THE SCRAP METAL BUSINESS. THE RECORDS MUST BE STORED FOR A MINIMUM OF 6 YEARS FROM DATE OF EACH TRANSACTION.



# KEY FEATURES OF THE BILL

## 10. EXPORT OF SCRAP METAL

A PERSON MUST OBTAIN A LICENCE TO EXPORT SCRAP METAL AND MUST STORE RECORDS OF ALL SCRAP METAL EXPORT TRANSACTIONS.

THE RECORDS ARE TO BE APPROVED AND SIGNED BY THE POLICE OFFICER AND SCRAP METAL INSPECTOR WHO ARE PRESENT FOR THE LOADING OF SCRAP METAL INTO A FREIGHT CONTAINER.

## 11. INSPECTION OF PREMISES

- INSPECTIONS OF A SCRAP METAL SITE CAN BE CARRIED OUT, WITH OR WITHOUT NOTICE, BY EITHER AN AUTHORISED OFFICER OR A POLICE OFFICER.
- A POLICE OFFICER CAN, BY WARRANT, ENTER THE SCRAP METAL SITE IF HE HAS REASONABLE GROUNDS TO BELIEVE THAT SUCH ENTRY IS REQUIRED TO ENSURE COMPLIANCE WITH THIS ACT. THE WARRANT MUST SPECIFICALLY IDENTIFY THE LOCATION OF THE SCRAP METAL SITE AND GRANT AUTHORITY TO THE POLICE OFFICE TO ENTER AND INSPECT.
- REASONABLE FORCE MAY BE USED BY THE POLICE OFFICER ONLY UNDER THE WARRANT



# KEY FEATURES OF THE BILL

## **12. INSPECTION OF PERSON**

**A POLICE OFFICER HAS THE POWER TO:**

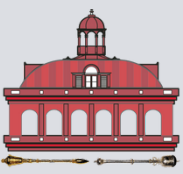
- **LAWFULLY STOP AND SEARCH A PERSON WHOM HE REASONABLY BELIEVES IS IN UNLAWFUL POSSESSION OF SCRAP METAL;**
- **ARREST THE PERSON AND SEIZE SCRAP METAL**
- **ARREST A SCRAP METAL DEALER / COLLECTOR WHO FAILS TO PRODUCE ANY SCRAP METAL INSPECTION RECORDS AND SEIZE THE SCRAP METAL IN HIS POSSESSION FOR INVESTIGATION**

## **13. REGISTER OF LICENCES**

**ANY MEMBER OF THE PUBLIC WILL BE ALLOWED TO INSPECT THE PUBLIC REGISTER WHICH WILL BE ACCESSIBLE IN WRITTEN FORM AT THE MINISTRY OR ELECTRONICALLY ON THE MINISTRY'S WEBSITE.**

## **14. NOTIFICATION OF CHANGE IN INFORMATION**

**A SCRAP METAL COLLECTOR OR SCRAP METAL DEALER MUST IMMEDIATELY NOTIFY THE MINISTER IN WRITING OF THE CESSATION OF HIS SCRAP METAL BUSINESS OR ANY CHANGES INFORMATION RELATED TO HIS SCRAP METAL BUSINESS AND/OR LICENCE.**



# KEY FEATURES OF THE BILL

## 15. GENERAL OFFENCES

### PENALTY:

ON SUMMARY CONVICTION: A FINE OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) AND IMPRISONMENT FOR ONE (1) YEAR

OR

ON CONVICTION ON INDICTMENT: A FINE OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND IMPRISONMENT OF TWO (2) YEARS

### OFFENCES RELATED TO PENALTY:

- KNOWINGLY GIVING FALSE OR MISLEADING INFORMATION ON AN APPLICATION FOR A LICENCE.
- A LICENSED SCRAP METAL COLLECTOR WHO FAILS TO DISPLAY HIS LICENCE IN THE VEHICLE USED IN HIS SCRAP METAL BUSINESS
- A LICENSED SCRAP METAL COLLECTOR WHO DISPLAYS AN INVALID OR FALSE LICENCE IN THE VEHICLE USED IN HIS SCRAP METAL BUSINESS
- A LICENSED SCRAP METAL DEALER WHO FAILS TO DISPLAY HIS LICENCE IN A PROMINENT PLACE IN AN AREA ACCESSIBLE TO THE PUBLIC AT EACH SCRAP METAL SITE LISTED IN HIS LICENCE, OR THE SIGNED REQUIRED TO BE DISPLAYED



# KEY FEATURES OF THE BILL

## 15. GENERAL OFFENCES - CONTINUED

### PENALTY:

ON SUMMARY CONVICTION: A FINE OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) AND IMPRISONMENT FOR ONE (1) YEAR

OR

ON CONVICTION ON INDICTMENT: A FINE OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND IMPRISONMENT OF TWO (2) YEARS

### OFFENCES RELATED TO PENALTY:

- A LICENSED SCRAP METAL DEALER WHO DISPLAYS AN INVALID OR FALSE LICENCE AT ANY SCRAP METAL SITE LISTED IN HIS LICENCE IMPUTING THAT HE IS A LICENSED SCRAP METAL DEALER
- FAILING TO NOTIFY THE MINISTER OF ANY CHANGES WHICH MATERIALLY AFFECT THE ACCURACY OF ANY INFORMATION CONTAINED IN THE REGISTER
- A LICENSEE WHO FAILS TO VERIFY THE IDENTITY OF A PERSON FROM WHOM HE PURCHASES OR RECEIVES SCRAP METAL
- A LICENSEE WHO FAILS TO KEEP THE PROPER RECORDS
- A SCRAP METAL DEALER WHO FAILS TO PRODUCE ANY BOOK, DOCUMENT OR RECORD WHICH AN AUTHORISED OFFICER HAS A RIGHT TO INSPECT



# KEY FEATURES OF THE BILL

## 15. GENERAL OFFENCES - CONTINUED

### PENALTY:

ON SUMMARY CONVICTION: A FINE OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) AND IMPRISONMENT FOR ONE (1) YEAR

OR

ON CONVICTION ON INDICTMENT: A FINE OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND IMPRISONMENT OF TWO (2) YEARS

### OFFENCES RELATED TO PENALTY:

- A SCRAP METAL DEALER WHO ALTERS, CHANGES IN SHAPE OR FORM, OR DISFIGURES ANY SCRAP METAL RECEIVED OR PURCHASED, BEFORE THE EXPIRY OF FIFTEEN DAYS FROM THE DATE OF RECEIPT OR PURCHASE
- A PERSON WHO EXPORTS SCRAP METAL AND WHO KNOWINGLY FALSIFIES INFORMATION ON THE EXPORT DOCUMENTATION ABOUT THE CONTENTS OF A FREIGHT CONTAINER
- A PERSON WHO ASSAULTS, OBSTRUCTS OR RESISTS AN AUTHORISED OFFICER IN THE EXECUTION OF HIS DUTY OR AIDS OR INCITES ANOTHER PERSON SO TO ASSAULT, OBSTRUCT, OR RESIST AN AUTHORISED OFFICER IN THE EXECUTION OF HIS DUTY
- A PERSON WHO ALTERS A REGISTER WITHOUT LAWFUL AUTHORITY



# KEY FEATURES OF THE BILL

## 15. GENERAL OFFENCES - CONTINUED

### PENALTY:

ON SUMMARY CONVICTION: A FINE OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) AND IMPRISONMENT FOR THREE YEARS; OR

ON CONVICTION ON INDICTMENT: A FINE OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND IMPRISONMENT FOR FIVE YEARS

### OFFENCES RELATED TO PENALTY:

- A PERSON WHO CARRIES ON BUSINESS AS A SCRAP METAL DEALER WITHOUT A SCRAP METAL DEALER'S LICENCE ISSUED UNDER THIS ACT; OR
- WHO OPERATES A SCRAP METAL SITE NOT SPECIFIED IN HIS LICENCE;
- WHO, HAVING BEEN GRANTED A SCRAP METAL DEALER'S LICENCE, FAILS TO NOTIFY THE MINISTER OF ANY ALTERATION IN THE PARTICULARS OF HIS SCRAP METAL BUSINESS
- WHO IS FOUND TO BE IN BREACH OF ANY CONDITIONS, REQUIREMENTS OR RESTRICTIONS SUBJECT TO WHICH THE LICENCE WAS GRANTED
- A PERSON WHO CONTRAVENES SECTIONS 18, 23 OR 24



# KEY FEATURES OF THE BILL

## 15. GENERAL OFFENCES - CONTINUED

### PENALTY:

ON SUMMARY CONVICTION FOR A

FIRST OFFENCE: A FINE OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) AND IMPRISONMENT FOR TWO (2) YEARS; OR

SECOND OR ANY SUBSEQUENT OFFENCE: A FINE OF THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) AND IMPRISONMENT FOR THREE (3) YEARS; OR

CONVICTION ON INDICTMENT FOR A

FIRST OFFENCE: A FINE OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND IMPRISONMENT FOR FIVE (5) YEARS; OR

SECOND OR ANY SUBSEQUENT OFFENCE: A FINE OF ONE MILLION DOLLARS (\$1,000,000.00) AND IMPRISONMENT FOR SEVEN (7) YEARS.

### OFFENCES RELATED TO PENALTY:

- A PERSON FOUND IN POSSESSION OF ANY SCRAP METAL, ARTICLES OF METAL, METAL EQUIPMENT OR METAL INFRASTRUCTURE REPORTED MISSING OR STOLEN



# KEY FEATURES OF THE BILL

## 15. GENERAL OFFENCES - CONTINUED

### PENALTY:

ON SUMMARY CONVICTION FOR A

FIRST OFFENCE: A FINE OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS (\$250,000.00) AND IMPRISONMENT FOR TWO (2) YEARS; OR

SECOND OR ANY SUBSEQUENT OFFENCE: A FINE OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) AND IMPRISONMENT FOR THREE (3) YEARS; OR

### OFFENCES RELATED TO PENALTY:

- A PERSON LICENSED UNDER THIS ACT WHO, AFTER NOTICE HAS BEEN GIVEN TO HIM BY A POLICE OFFICER OR BY ADVERTISEMENT IN THE GAZETTE THAT ANY SCRAP METAL HAVE BEEN STOLEN OR FRAUDULENTLY OBTAINED, FAILS TO GIVE INFORMATION TO THE POLICE THAT ARTICLES OF THE LIKE DESCRIPTION WERE OFFERED TO HIM OR WERE OR ARE IN HIS POSSESSION



# REFERENCES

**1. THE SCRAP METAL BILL, 2022**

[HTTP://WWW.TTPARLIAMENT.ORG/](http://www.ttparliament.org/)

**2. DANGEROUS DRUGS ACT, CHAP 11:25**

[HTTP://LAWS.GOV.TT/TTDLL-WEB/REVISION/DOWNLOAD/105641?TYPE=ACT](http://laws.gov.tt/TTDLL-WEB/REVISION/DOWNLOAD/105641?TYPE=ACT)

**3. ENVIRONMENTAL MANAGEMENT ACT, CHAP 35:05**

[HTTP://LAWS.GOV.TT/TTDLL-WEB/REVISION/DOWNLOAD/106087?TYPE=ACT](http://laws.gov.tt/TTDLL-WEB/REVISION/DOWNLOAD/106087?TYPE=ACT)

**4. FINANCIAL INTELLIGENCE UNIT OF TRINIDAD AND TOBAGO ACT, CHAP 72:01**

[HTTPS://WWW.TTPARLIAMENT.ORG/WP-CONTENT/UPLOADS/2022/01/A2009-11.PDF](https://www.ttparliament.org/wp-content/uploads/2022/01/A2009-11.pdf)

**5. MOTOR VEHICLES AND ROAD TRAFFIC ACT, CHAP 48:50**

[HTTP://LAWS.GOV.TT/TTDLL-WEB/REVISION/DOWNLOAD/106244?TYPE=ACT](http://laws.gov.tt/TTDLL-WEB/REVISION/DOWNLOAD/106244?TYPE=ACT)

**6. MUNICIPAL CORPORATIONS ACT, CHAP 25:04**

[HTTP://LAWS.GOV.TT/TTDLL-WEB/REVISION/DOWNLOAD/106028?TYPE=ACT](http://laws.gov.tt/TTDLL-WEB/REVISION/DOWNLOAD/106028?TYPE=ACT)



LEGAL UNIT

PARLIAMENT SECRETARIAT

PARLIAMENTARY COMPLEX, CABILDO BUILDING,

NO. 23-27 ST. VINCENT STREET, PORT-OF-SPAIN

DECEMBER 12, 2022

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