



Province of Alberta

# **SCRAP METAL DEALERS AND RECYCLERS IDENTIFICATION ACT**

Statutes of Alberta, 2013  
Chapter S-3.5

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### Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

### Regulations

The following is a list of the regulations made under the *Scrap Metal Dealers and Recyclers Identification Act* that are filed as Alberta Regulations under the Regulations Act

<b>Alta. Reg.</b>	<i>Amendments</i>
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#### **Scrap Metal Dealers and Recyclers Identification Act**

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# SCRAP METAL DEALERS AND RECYCLERS IDENTIFICATION ACT

## Chapter S-3.5

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

### **Definitions**

**1** In this Act,

- (a) “law enforcement agency” means a police service as defined in the *Police Act*;
- (a.1) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (a.2) “non-ferrous metal” means a metal or alloy that does not contain a significant amount of iron;

- (b) “peace officer” means
- (i) a police officer under the *Police Act*, while the police officer is in the exercise or discharge of the police officer’s powers or duties,
  - (ii) a member of a police service under the *Police Act*, while the member is in the exercise or discharge of the member’s powers or duties, or
  - (iii) a peace officer appointed under the *Peace Officer Act*, while the peace officer is in the exercise or discharge of the peace officer’s powers or duties;
- (c) “record” means a record in any form and includes books, notes, papers and documents, whether in electronic form or otherwise, that may contain information respecting the business of a scrap metal dealer or recycler;
- (d) “scrap metal” means all new or used items substantially made of non-ferrous metal, including, but not limited to, aluminum, brass, bronze, copper and tin, and other metal or material prescribed by the regulations;
- (e) “scrap metal dealer or recycler” means a person engaged in the business of purchasing, trading or bartering scrap metal and includes employees of that person;
- (f) “traceable currency” means a method of payment in which the transfer of money is able to be followed from the sender to the recipient by a third party, and in which the sender and recipient are not anonymous, and does not include payment by cash or any electronic currency in which the sender and recipient are anonymous.

2013 cS-3.5 s1;2020 c24 s2

**Non-application**

**2(1)** This Act does not apply where a scrap metal dealer or recycler purchases or receives scrap metal from a body corporate that is duly authorized to carry on business in Alberta.

**(2)** This Act does not apply to a depot operator as defined under the *Beverage Container Recycling Regulation* (AR 101/97).

**Requirements — acquiring scrap metal**

**3(1)** No scrap metal dealer or recycler shall purchase or receive scrap metal from a person who fails to provide

- (a) proof of identity as prescribed by the regulations, and
- (b) information respecting the transaction prescribed by the regulations.

**(1.1)** No scrap metal dealer or recycler shall purchase or receive scrap metal from a person who fails to provide proof that the person meets age eligibility requirements for engaging in a scrap metal transaction, as prescribed by the regulations.

**(2)** A scrap metal dealer or recycler who purchases or receives scrap metal shall obtain and record information respecting the transaction prescribed by the regulations.

**(3)** A scrap metal dealer or recycler shall, at the time of the transaction, take reasonable measures to ensure that the proof of identity provided under subsection (1)

- (a) has not been altered or defaced to misrepresent the age or identity of the person,
- (b) was issued by the issuing agency to the person, and
- (c) is not otherwise forged or fraudulently made.

**(4)** A scrap metal dealer or recycler shall inform a person entering into a transaction that the information obtained under this section is being collected and may be provided to a peace officer or a law enforcement agency.

**(5)** A scrap metal dealer or recycler shall maintain the prescribed information obtained pursuant to this section for a period of at least 2 years from the time of the transaction or for such other period as may be prescribed by the regulations.

**(6)** Within 24 hours of purchasing or receiving restricted metal, as defined by the regulations, or purchasing or receiving scrap metal of a weight that is greater than a weight prescribed in the regulations, a scrap metal dealer or recycler shall provide the prescribed information collected under this section to a peace officer or a law enforcement agency in the manner and form prescribed by the regulations.

**(7)** For the purpose of calculating the weight of scrap metal received or purchased as required under subsection (6), any transaction or series of transactions with the same individual during a 7-day period is deemed to be one transaction.

2013 cS-3.5 s3;2020 c24 s3

**Mandatory use of traceable currency**

**3.1** If the total value of a transaction is more than the value specified in the regulations, a scrap metal dealer or recycler must use traceable currency to purchase scrap metal.

2020 c24 s4

**Stolen property**

**4(1)** If a scrap metal dealer or recycler has reasonable grounds to believe that metal in the possession of the scrap metal dealer or recycler is stolen property, the scrap metal dealer or recycler shall immediately report the matter to a peace officer or a law enforcement agency.

**(2)** A peace officer or a law enforcement agency may require a scrap metal dealer or recycler to hold metal that a scrap metal dealer or recycler, peace officer or law enforcement agency suspects is stolen property for a period prescribed by the regulations.

**(3)** During the period referred to in subsection (2), the scrap metal dealer or recycler shall not sell or otherwise dispose of the metal that is suspected to be stolen property.

2013 cS-3.5 s4;2020 c24 s5

**Investigation**

**5(1)** A peace officer or a law enforcement agency may conduct an investigation for the purpose of determining whether a person is in compliance with this Act.

**(2)** For the purposes of an investigation, a peace officer may, during normal business hours, do any of the following:

- (a) enter the person's business premises;
- (b) inspect, audit or examine any books, records, documents or other things in the premises;
- (c) demand that a book, record, document or any other thing be produced for inspection;
- (d) remove any books, records, documents or other things for review and copying;
- (e) remove and retain any books, records, documents or other things that may be required as evidence from the premises;
- (f) question a person.

- (3)** When a peace officer removes any books, records, documents or other things under subsection (2), the peace officer
- (a) shall give a receipt for them to the person from whom they were taken;
  - (b) may make copies of, take photographs of or otherwise record them;
  - (c) shall, within a reasonable time, return anything that has been copied to the person to whom the receipt was given;
  - (d) shall return everything else that was removed to the person to whom the receipt was given within a reasonable time after the investigation and any prosecution resulting from the investigation are concluded.

2013 cS-3.5 s5;2020 c24 s6

**Order compelling assistance in investigations**

**6(1)** Where a person refuses to allow or interferes with an investigation under this Act, a peace officer may apply to the Court of Queen's Bench by originating notice for an order

- (a) compelling a person to allow a peace officer to enter at a specified time or within a specified period of time the person's business premises, private dwelling or other place occupied or controlled by the person;
- (b) requiring a person to produce for the peace officer's examination the person's books, records, documents or other things relevant to the investigation;
- (c) authorizing the peace officer to copy or remove the books, records, documents or other things on any terms that the Court considers appropriate;
- (d) requiring a person to co-operate with the investigation on any terms that the Court considers appropriate;
- (e) authorizing the peace officer, if charges are laid as a result of the investigation, to retain books, records, documents or other things until the charges have been formally disposed of.

**(2)** The Court of Queen's Bench may grant an order under subsection (1) if satisfied on evidence given under oath by the peace officer that an order is necessary to conduct an investigation under this Act.

(3) An application under this section may be made without notice unless in the opinion of the Court of Queen's Bench it would be improper to do so.

(4) No force may be used in enforcing an order granted under this section unless a person identified in the order is specifically authorized to use force.

(5) A copy of a document seized under an order granted under subsection (1) and certified by the person who conducted the investigation to be a true copy of the original document is admissible in evidence without proof of the signature or appointment of the person who signed the certificate, and in the absence of evidence to the contrary, the copy has the same probative force as the original.

(6) An order under subsection (1) applies to a person under investigation and may also apply to third parties such as accountants or other persons who have possession or control of books, records or documents relating to the activities of the person under investigation.

(7) The following persons may apply to the Court of Queen's Bench for an order varying or cancelling an order under subsection (1):

- (a) a person to whom the order is directed;
- (b) a person under investigation who is named in the order;
- (c) a person other than one referred to in clauses (a) and (b) who is otherwise affected by the order.

(8) On an application under subsection (7), the Court of Queen's Bench may vary or cancel an order on any terms or conditions the Court considers just if the Court finds that

- (a) all or a part of the order is not required for the protection of persons who are dealing with a person under investigation named in the order, or
- (b) one or more affected persons are unduly prejudiced by the order.

#### **Obstructing a peace officer**

7 No person shall obstruct, impede or refuse entry to a peace officer who is exercising powers or performing duties under section 5, or under an order issued pursuant to section 6, for the purposes of enforcing this Act.

**Protection from action**

**8** No action lies against a scrap metal dealer or recycler for the disclosure of any information or record pursuant to this Act or the regulations if such disclosure is made in good faith for the purpose of this Act.

**Offences and penalties**

**9(1)** A person who contravenes this Act or the regulations is guilty of an offence and liable on conviction

(a) for a first offence

- (i) in the case of an individual, to a fine not exceeding \$10 000 or to imprisonment for a term of not more than one year or to both,
- (ii) in the case of a corporation, to a fine not exceeding \$50 000,

and

(b) for a 2nd or subsequent offence

- (i) in the case of an individual, to a fine not exceeding \$25 000 or to imprisonment for a term not exceeding one year or to both,
- (ii) in the case of a corporation, to a fine not exceeding \$200 000.

**(2)** If a corporation commits an offence under this Act, any officer, director, employee or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and is liable to the punishment provided for the offence whether or not the corporation has been prosecuted for or convicted of the offence.

**(3)** Unless otherwise provided in this Act, no person may be convicted of an offence under this Act or the regulations if the person establishes that the person exercised all due diligence to prevent the commission of the offence.

**(4)** Where an offence under this Act or the regulations is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

**Regulations**

- 10** The Lieutenant Governor in Council may make regulations
- (a) prescribing the types of identification that are acceptable for confirming the identity of persons selling or providing scrap metal for the purpose of this Act;
  - (b) prescribing the information that must be obtained and recorded by a scrap metal dealer or recycler when purchasing or obtaining scrap metal;
  - (c) respecting the manner in which prescribed information is to be recorded and maintained, including retention periods, by scrap metal dealers or recyclers;
  - (d) prescribing materials as scrap metal for the purpose of this Act;
  - (d.1) prescribing a time period for the purpose of section 3(5);
  - (e) prescribing a weight for the purpose of section 3(6);
  - (e.1) defining materials as restricted metal for the purpose of this Act;
  - (f) prescribing conditions that a person selling or providing scrap metal must meet before a scrap metal dealer or recycler may purchase or receive the scrap metal;
  - (f.1) prescribing age eligibility requirements for engaging in a scrap metal transaction;
  - (g) exempting any transaction or person or any class of persons from all or any provision of this Act and prescribing any circumstance in which all or any provision of this Act does not apply;
  - (h) for the purpose of section 3, prescribing
    - (i) additional information that must be obtained and recorded with respect to a transaction or purchase and the manner of recording that information;
    - (i.1) the manner and form in which recorded information must be provided to the Minister;
    - (ii) the information that must be provided and the manner and form in which recorded information must be provided to a peace officer or a law enforcement agency;

- (h.1) respecting the value of a transaction requiring the use of traceable currency;
- (h.2) prescribing a time period for the purpose of section 4(2);
- (h.3) respecting the collection, use and disclosure of personal information by the Minister;
- (i) defining any word or expression used but not defined in this Act;
- (j) respecting any matter or thing the Lieutenant Governor in Council considers necessary or advisable to carry out effectively the intent and purpose of this Act.

2013 cS-3.5 s10;2020 c24 s8

#### **Collection of personal information by law enforcement agency**

**11** For the purposes of sections 33 and 34 of the *Freedom of Information and Protection of Privacy Act*, a peace officer or a law enforcement agency may collect personal information other than from the individual provided that such collection pertains to the discharge of their powers, duties or obligations under this Act.

2013 cS-3.5 s11;2020 c24 s9

#### **Collection of personal information by Minister**

**11.1** The Minister may collect, use and disclose personal information as defined in the *Freedom of Information and Protection of Privacy Act* in accordance with the regulations.

2020 c24 s10

#### **Coming into force**

**12** This Act comes into force on Proclamation.

(NOTE: Proclaimed in force November 5, 2019.)



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