

Equipment Theft (Prevention) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office with the consent of Greg Smith, the Member in charge of the Bill, are published separately as Bill 16—EN.

Equipment Theft (Prevention) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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Make provision to prevent the theft and re-sale of equipment and tools used by tradespeople and agricultural and other businesses; and for connected purposes.

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Requirements for sale of equipment

- (1) The Secretary of State may by regulations make provision to restrict the sale of specified equipment where a specified requirement is not met.
- (2) Regulations under subsection (1) may specify equipment of a kind falling within the following descriptions—
 - (a) mechanically propelled vehicles that—
 - (i) are designed or adapted primarily for use other than on a road,
 - (ii) have an engine capacity of at least 250 cubic centimeters or two kilowatts, and
 - (iii) travel on more than two wheels or on tracks;
 - (b) other equipment designed or adapted primarily for use in agricultural or commercial activities.
- (3) Regulations under subsection (1) may specify a requirement of a kind falling within the following descriptions—
 - (a) a requirement that the equipment is fitted with a device designed, or adapted, to be fitted for the purposes of preventing the equipment from being driven or otherwise put in motion;
 - (b) a requirement that the equipment is marked with—
 - (i) a unique identifier, and
 - (ii) a visible indication that it is marked with a unique identifier.
- (4) Regulations under subsection (1) may not restrict the sale of equipment if—
 - (a) the sale is solely for the purposes of onward sale by the buyer, or
 - (b) the equipment has previously been used for the purpose for which it was primarily designed or adapted.
- (5) In this Act—

- (a) “equipment” includes a vehicle;
- (b) equipment is not “used for the purpose for which it was primarily designed or adapted” solely by virtue of being used—
 - (i) in order to demonstrate its features to a potential buyer of the equipment or other equipment of the same or a similar kind, 5
or
 - (ii) in preparation for such a demonstration.

2 Record keeping

- (1) The Secretary of State may by regulations provide that a person selling equipment of a kind falling within a description in section 1(2) must record specified information in connection with the sale. 10
- (2) The information may include, for example—
 - (a) a name, address or telephone number, or other contact details, of the buyer,
 - (b) the make, model or colour of the equipment, 15
 - (c) if the equipment is marked with a unique identifier of a kind specified in regulations under section 1(1)—
 - (i) details of that unique identifier, and
 - (ii) the method or location of the marking, and
 - (d) the date on which the contract of sale was entered into. 20
- (3) Regulations under subsection (1) may make provision about—
 - (a) when the information must be recorded;
 - (b) for how long the information must be kept;
 - (c) the form in which the information must be kept (including, for example, in an online system of a particular kind). 25
- (4) Regulations under subsection (1) may not require a person selling equipment to record information if—
 - (a) the sale is solely for the purposes of onward sale by the buyer, or
 - (b) the equipment has previously been used for the purpose for which it was primarily designed or adapted. 30

3 Enforcement

- (1) A person commits an offence if the person—
 - (a) sells equipment in breach of regulations under section 1, or
 - (b) fails to record or keep information in accordance with regulations under section 2. 35
- (2) A person that commits an offence under subsection (1) is liable on summary conviction to a fine.
- (3) An enforcement authority may enforce regulations under section 1 or 2 in their area.

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- (4) For the powers available to an enforcement authority for the purposes of enforcing regulations under section 1 or 2, see Schedule 5 to the Consumer Rights Act 2015 (investigatory powers of enforcers etc).
- (5) “Enforcement authority” means –
- (a) a local weights and measures authority, or 5
 - (b) a district council that is not a local weights and measures authority.
- (6) In paragraph 10 of Schedule 5 to the Consumer Rights Act 2015 (duties and powers under which enforcement powers may be exercised), at the end insert –
- “section 3 of the Equipment Theft (Prevention) Act 2022.” 10

4 Regulations: general

- (1) A power to make regulations under any provision of this Act includes power to make –
- (a) consequential, supplementary, transitional or saving provision;
 - (b) different provision for different purposes. 15
- (2) Regulations under this Act are to be made by statutory instrument.
- (3) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

5 Extent, commencement and short title 20

- (1) This Act extends to England and Wales.
- (2) This Act comes into force at the end of the period of six months beginning with the day on which this Act is passed.
- (3) This Act may be cited as the Equipment Theft (Prevention) Act 2022.

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Presented by Greg Smith

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