Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

For the future of our environment

SEPA guidance: Distinguishing between used and waste motor vehicles

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Introduction

This document provides guidance for anyone who needs to understand whether a motor vehicle or its parts are waste and where waste controls apply. It should be read in conjunction with SEPA's guidance on:

- Reuse activities and waste regulation.
- Storage and treatment of waste motor vehicles.

This guidance applies domestically. For advice on importing or exporting used/waste vehicles, contact transfrontier@sepa.org.uk.

Criteria for determining whether a vehicle is waste

Where SEPA suspects a vehicle may be waste, we may require the vehicle owner to provide documentation to evidence that it is not waste. This could include:

- A valid MOT certificate or Statutory Off-Road Notification (SORN) or,
- An assessment of the vehicle in accordance with the criteria listed below.

If one or more of the definitive criteria in Part A are met, the vehicle shall be considered waste. If none of the criteria of Part A apply, the vehicle shall then be assessed against the indicative criteria of Part B. If one or more of the indicative criteria apply, further analysis may be needed to determine whether the vehicle is considered waste.

Part A: Definitive criteria

SEPA shall consider a vehicle to be waste if it meets one or more of the following criteria:

1. It has been or is being dismantled.
2. It was handed over for treatment to an authorised collection point or an authorised treatment facility, or a Certificate of Destruction (CoD) or Notification of Destruction (NoD) was issued for it.

3. It has a Vehicle Identity Check (VIC) marker stating that the vehicle has been declared as a total technical loss by an insurance company (Category A & B) and is therefore required to be destroyed or dismantled.

4. It cannot be identified, in particular if the Vehicle Identification Number (VIN) cannot be obtained.

5. It has been cut into pieces.

6. It has one or more entry points welded up or closed by insulating foam.

7. It has been burnt to the point where the engine compartment or passenger compartment is completely destroyed.

8. It has been submerged in water to a level above the dashboard.

9. One or several of the following essential components of the vehicle are not technically reparable or replaceable.

    a. Ground coupling components (such as tyres and wheels), suspension, steering, braking, and their control components.

    b. Seat fixings and joints.

    c. Airbags, pre-tensioners, safety belts, and their peripheral operating components.

    d. The vehicle's hull and chassis.

10. Its structural and safety components have technical defects that are irreversible and turn them non-replaceable, such as metal aging, multiple breaks in primers, or excessive perforating corrosion.

11. Its repair requires the replacement of the shell, or chassis assembly, resulting in the loss of the vehicle's original identity.

Part B: Indicative criteria

If none of the criteria in Part A are met, the following criteria should be assessed for the vehicle:

1. The vehicle owner is unknown or the vehicle is abandoned.
2. It has not had an MOT for more than two years from the date when this was last required, it does not hold a Statutory Off-Road Notification (SORN) status, or it has not been insured for at least two years.
3. It is not appropriately protected against damage during storage, transportation, loading and unloading.
4. It has been declared as a total economic loss by an insurance company (Insurance categories N and S).
5. The repair costs necessary to repair that vehicle to a roadworthy condition and the vehicle's pre-repair value exceed the vehicle's estimated market value after repair.
6. It has been submerged in water to a level below the dashboard and damaged the engine or electrical system.
7. One or more of its doors are not attached to it.
8. Its fuel or fuel vapours are discharged posing a risk of fire and explosion.
9. Gas has leaked from its liquid gas system posing a risk of fire and explosion.
10. Its operating liquids (fuel, brake fluid, anti-freeze liquid, battery acid electrolyte solution, coolant liquid) have been removed from the vehicle and discharged posing a risk of water pollution.
11. Its brakes and steering components are excessively worn.
12. Its repair requires the replacement of the engine or gearbox.

If one or more of these indicative criteria apply, further analysis may be required to determine whether the vehicle can be repaired within two years of the assessment, to regain its MOT certificate.

If the assessment determines that, within two years, the vehicle:

- Cannot be repaired - SEPA will consider it to be waste.
- Can be repaired - SEPA shall not consider it to be waste. However, if after two years the vehicle owner cannot provide an MOT certificate, at that point SEPA would consider the vehicle to be waste.

When does a vehicle or its parts cease to be waste?

SEPA recognises that although it may be the last holder's intention to discard the vehicle (thereby making it waste) a scrap yard operator may make the decision that the vehicle could be repaired or stripped for parts.

Waste motor vehicles and vehicle parts are generally considered to be fully recovered (i.e. no longer regarded as waste or subject to regulatory controls) when they are made available for reuse (i.e. they have been fully repaired to roadworthiness or the parts made available for use in the place of non-waste material). These items may become waste again if there is no market demand for them and they are discarded.

Accident damaged vehicles (ADVs)

Additional considerations need to be made for accident damaged vehicles.

Storage of ADVs waiting for an insurance claim settlement

SEPA will not normally consider an accident damaged vehicle, stored at a salvage yard (or elsewhere), waiting for an insurance claim assessment as waste, providing the vehicle does not meet any of the definitive criteria numbered 1 – 8.

Action must still be taken to ensure the vehicle is not stored or managed in a way which is likely to cause or causes significant harm to human health or the environment.

Storage of ADVs after assessment from insurers

Once an insurance assessment has been made and a VIC marker applied, the vehicle must be assessed against the remaining definitive and indicative criteria listed above to determine if it is waste.

Action must still be taken to ensure the vehicle is not stored or managed in a way which is likely to cause or causes significant harm to human health or the environment.

Abandoned and nuisance vehicles

Certain authorities, like a local authority, can seize a vehicle that seems to be abandoned or is causing an obstruction and is not taxed. It will be collected and stored in a pound or depot. The vehicle will not be considered waste until the:

- Owner or keeper has confirmed they will not reclaim it.
- Vehicle seizure notice expires and the seizing authority releases it for scrapping.

In both scenarios, as soon as that decision is made the vehicle becomes waste.

The restoration of vehicles as a hobby

Restoration of a vehicle, such as a classic car, by an individual will not be regulated as a waste management activity. Any unwanted fluids and damaged parts are waste and must be disposed of correctly and in accordance with the Duty of Care.

However, where several vehicles are brought to a site with the intention of stripping them for parts for sale or to repair another vehicle (e.g. for stock car racing), this is a waste management activity and will require an authorisation from SEPA.

Consignment notes

Vehicles removed from domestic premises

If a householder decides to scrap their vehicle and drives the unwanted vehicle to an Authorised Treatment Facility (ATF) (this may be a scrapyard or a garage), it is waste and classed as hazardous waste. The householder does not need to produce a consignment note for the journey from their home to the ATF.

If a householder decides to scrap their vehicle and arranges for transport of that unwanted vehicle to an ATF, the vehicle is waste and classed as hazardous waste. The collection or movement of the vehicle from the domestic premises to the ATF, does not need a consignment note.

Vehicles removed from commercial premises

If a commercial vehicle operator, such as a bus or coach company, car hire business or freight business, decides to scrap a vehicle, it is classed as hazardous waste. These vehicles are not domestic waste, so a special waste consignment note is needed for the journey from the commercial vehicle operator to the ATF.

Vehicles removed by Vehicle Recovery Operators (VROs)

A consignment note is not needed for the initial movement of any accident damaged or abandoned vehicle from the roadside to a temporary storage location (i.e. not directly to an ATF) and the haulier need not be registered for the transport of waste. Subsequent movements of waste motor vehicles from a temporary storage site to an ATF must be accompanied by a consignment note and the haulier must be registered for the transport of waste.

Disclaimer

This guidance is based on the law as it stood when the guidance was published.

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- any loss or damage caused by civil wrongs, breach of contract or otherwise

SEPA reserves the right to depart from this guidance and take appropriate action as it considers necessary or appropriate. Applicants and authorised persons are responsible for ensuring that they are compliant with the law. If necessary, independent legal / specialist advice should be sought.