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Pawnbrokers and Second-hand Dealers and Collectors (Amendment) Bill.

EXPLANATORY NOTE.

THE object of this Bill is to bring the law up to date in respect of Pawnbrokers and Second-hand Dealers and Collectors.

The main amendments to the existing law are as follows:—

- (1) The Officer-in-Charge of Police nearest to the premises at which a person proposes to carry on the business of a pawnbroker is to be advised by the Clerk of Petty Sessions of the receipt of an application for a pawnbroker's license by such person, and may show cause against the granting of such application.
- (2) Returns are to be furnished to the Police of all articles taken in pawn each day on which a pawnbroker exercises or carries on his trade or business.
- (3) Articles are not to be taken in pawn from children under 16 years of age.
- (4) Police officers of or above the rank of sergeant are empowered to enter pawnshops during business hours and examine the pawnbroker's pledge book and any pledges recorded therein.
- (5) The definition of "old wares" in the Second-hand Dealers and Collectors Act, 1906, has been extended.
- (6) Provision for a return of old wares purchased by a second-hand dealer to be forwarded to the police.
- (7) Provision for the issue of collectors' licenses to persons residing in other States who carry on the business of collectors in New South Wales.

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[CONFIDENTIAL.]
(Rough Draft for Consideration Only.)

No. , 1940.

A BILL

To provide for the making of certain returns by pawnbrokers and second-hand dealers; to amend the Pawnbrokers Act, 1902, and the Second-hand Dealers and Collectors Act, 1906, in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Pawnbrokers and Second-hand Dealers and Collectors (Amendment) Act, 1940."

Short title
and com-
mencement.

10 (2) The Pawnbrokers Act, 1902, as amended by the Statute Law Revision Act, 1937, and this Act, may be cited as the "Pawnbrokers Act, 1902-1940."

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(3) The Second-hand Dealers and Collectors Act, 1906, as amended by subsequent Acts and this Act, may be cited as the "Second-hand Dealers and Collectors Act, 1906-1940."

5 (4) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

2. The Pawnbrokers Act, 1902, is amended—

Amendment of
Act No. 66,
1902.

10 (a) (i) by inserting at the end of subsection one of section six the following new paragraphs:— (Licenses.)

(b) Upon the receipt of such application the clerk of petty sessions shall forthwith notify the officer in charge of police at the police station nearest to the premises at which the person so applying proposes to carry on the trade or business of a pawnbroker.

15 (c) Such officer of police, or any person authorised by him, may show cause against the granting of the applica-
20 tion.

(ii) by omitting from subsection two of the same section the word "notice" and by inserting in lieu thereof the word "application";

25 (b) by inserting at the end of subsection one of section thirteen the following new subsection:— (Entries to
be made on
taking
pledge.)

30 (1A) The book referred to in subsection one of this section may be kept according to a loose-leaf system in the manner and subject to the conditions prescribed by regulations made by the Governor under this subsection.

Such regulations shall—

35 (a) be published in the Gazette;
(b) take effect from the date of publication or from a later date to be specified in the regulations;

(c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session,
and,

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and, if not, then within fourteen sitting days after the commencement of the next session.

5 If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after any regulation has been laid before such House, disallowing such regulation or part thereof, such regulation or part shall thereupon cease to have effect.

10 (c) by inserting next after section thirteen the following new section:— New sec. 13A.

15 13A. Every licensed pawnbroker shall in the forenoon of each day on which he exercises or carries on his business furnish to the Commissioner of Police a legible return in the form set out in the Fourth Schedule to this Act, of all articles taken by him or his assistants in pawn during the previous day on which he exercised or carried on his trade or business. Returns to Commissioner of Police.

20 (d) by inserting next after the Third Schedule the following new Schedule:—

FOURTH SCHEDULE. Sec. 13A.
Pawnbrokers Act, 1902-1938.

25 A FULL and true record and description of all articles taken in pawn by me or my assistants at my licensed premises situated at on day of , 19 .

Pledge No.	Article.	Full description.	Watches		Numbers (other than watches), make, name, initials, inscription and marks on such article.	Amount.
			Case No.	Works No.		
						£ s. d.

Signature Date
(e)

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whether of the like class or description or of any other class or description but does not include rags”;

5 (iii) by omitting from the definition of the expression “Second-hand dealer” in the same section the words “whether such person deals in any other goods or not” and by inserting in lieu thereof the words “or who
10 buys old wares for use in the manufacture for sale or trade of goods of any description, whether such person deals in, buys, sells, or manufactures any other goods or not”;

(b) (i) by inserting next after paragraph seven of Sec. 8. section eight the following new paragraph:—
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(8) make to the Commissioner of Police Returns. any return of all old wares purchased, received or sold in the course of business of the second-hand dealer, required by the
20 regulations made under this Act, at the time and in the form prescribed by such regulations;

(ii) by inserting at the end of the same section the following proviso:—
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Provided that the proprietor of a foundry who purchases old iron or scrap metal, broken metal or defaced metal goods being in each such case iron or steel, for use in his foundry in the manufacture for trade or
30 sale of goods of any description, shall not be guilty of an offence against this Act by reason only of failure to comply with the provisions of paragraph seven of this section in respect of such old iron, scrap metal,
35 broken metal, or defaced metal goods.

(c) (i) by omitting from subsection one of section Sec. 10. ten the words “a court within the police (Collectors’ licenses.) district in which” and by inserting in lieu thereof the words “the court nearest to the
40 place where”;

(ii)

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- (ii) by omitting from the same subsection the words "in the said district" and by inserting in lieu thereof the words "in the police district within which such court is situated";
 - 5 (iii) by omitting from subsection two of the same section the word "court" and by inserting in lieu thereof the word "clerk."
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