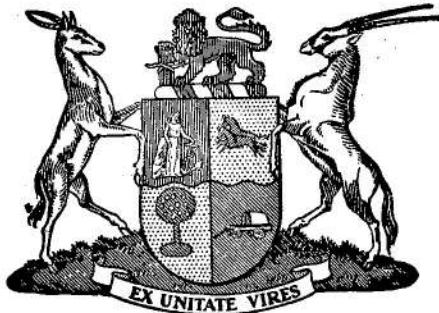


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DEPARTMENT OF JUSTICE.

The following Bill is published for general information.

DEPARTEMENT VAN JUSTISIE.

Onderstaande Wetsontwerp word vir algemene inligting gepubliseer.

BILL

To regulate the business of dealers in second-hand goods.

(To be introduced by the MINISTER OF JUSTICE.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) "acquire", in relation to a pawnbroker, includes receive in pawn; (viii) 5
- (ii) "dealer" means a person who holds or is required to hold a licence referred to in section *three*; (ii)
- (iii) "dispose of", in relation to a pawnbroker, includes return of redeemed property received in pawn; (vii) 10
- (iv) "goods" means any article of clothing, jewellery, any motor vehicle, including any motor cycle, or any part or accessory thereof, any bicycle or any part thereof, any office or household equipment, any agricultural or gardening equipment, any photographic or optical instrument or any part thereof, any wrought article consisting wholly or principally of gold, silver or steel, any antique, any ferrous metal, lead, copper, tin, aluminium, brass or zinc or any article or substance consisting wholly or principally of one or more of 20 these metals, and any other article or substance which the Minister may, by notice in the *Gazette*, declare to be goods for the purposes of this Act; (i)
- (v) "licence" means a licence referred to in section *three*; 25 (iii)
- (vi) "local authority" means any body contemplated by sub-paragraph (a) of paragraph (vi) of section *eighty-five* of the South Africa Act, 1909, but does not include a divisional council; (v)
- (vii) "Minister" means the Minister of Justice; (iv) 30
- (viii) "prescribed" means prescribed by or under this Act; (ix)
- (ix) "second-hand goods" means goods which have been in use or which (whether they have been in use or not) have at any time been possessed for his own 35 account by a person other than the manufacturer or producer thereof or a person dealing therewith in the course of business. (vi)

Application of Act.

2. This Act shall not apply to a duly licensed auctioneer who sells second-hand goods by public auction, and the provisions 40 of sections *three*, *four* and *five*, paragraph (d) of section *seven* and section *eight* shall not apply to a *bona fide* factory or foundry, nor to any person carrying on the business of selling manufactured articles, in so far as he accepts in part payment for any such article sold by him, an article of the same kind 45 as the article so sold.

Certificate required in connection with certain licences.

3. No holder of a licence issued under item 11, 15 or 18 of Part I of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925), shall carry on under that licence any business of dealing in second-hand goods except to the 50 extent specified in that licence, and no licence to carry on any such business shall be issued to any person except under the authority of a certificate referred to in section *four*.

Grant of certificates for licences.

4. (1) An application for a certificate required under section *three*, in the prescribed form and containing the prescribed 55 particulars, shall be lodged with the magistrate of the district within which the applicant proposes to carry on business and shall, where the premises at which the applicant proposes to carry on business are situated within an area under the jurisdiction of a local authority, be accompanied by a statement 60

WETSONTWERP

Tot reëeling van die besigheid van handelaars in tweedehandse goed.

(Deur die MINISTER VAN JUSTISIE ingedien te word.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

1. Tensy uit die samehang anders blyk, beteken in hierdie Woordomskrywings.
- 5 Wet—
- (i) „goedere” enige kledingstuk, juweliersware, enige motorvoertuig, met inbegrip van 'n motorfiets, of enige deel daarvan of toebehore daarby, enige fiets of deel daarvan, enige huis- of kantooruitrusting, enige landbou- of tuinbou-uitrusting, enige fotografiese of optiese instrument of enige deel daarvan, enige gesmede artikel wat geheel en al of hoofsaaklik uit goud, silwer of staal bestaan, enige antikiteit, enige ferro-metaal, lood, koper, tin, aluminium, geelkoper of sink, of 'n artikel of stof wat geheel en al of hoofsaaklik uit een of meer van hierdie metale bestaan, en enige ander artikel of stof wat die Minister by kennisgewing in die *Staatskoerant* vir die toepassing van hierdie Wet tot goedere verklaar; (iv)
 - 10 (ii) „handelaar” iemand wat 'n in artikel *drie* bedoelde lisensie besit of moet besit; (ii)
 - (iii) „lisensie” 'n lisensie in artikel *drie* bedoel; (v)
 - (iv) „Minister” die Minister van Justisie; (vii)
 - 15 (v) „plaaslike owerheid” enige liggaam in sub-paragraaf (a) van paragraaf (vi) van artikel *vyf-en-tagtig* van die „Zuid-Afrika Wet, 1909”, bedoel, maar nie ook 'n afdelingsraad nie; (vi)
 - (vi) „tweedehandse goedere” goedere wat al in gebruik was of wat (hetsy dit al in gebruik was of nie) te eniger tyd vir eie rekening besit was deur enigiemand anders as die vervaardiger of produsent daarvan of iemand wat in die loop van besigheid daarmee handel; (ix)
 - 20 (vii) „van die hand sit”, met betrekking tot 'n pandhouer, ook teruggee van afgeloste eiendom wat in pand geneem is; (iii)
 - (viii) „verkry”, met betrekking tot 'n pandhouer, ook by wyse van pand in ontvangs neem; (i)
 - 25 (ix) „voorgeskryf” deur of kragtens hierdie Wet voor- geskryf. (viii)
- 30 2. Hierdie Wet is nie op 'n behoorlik gelisensieerde afslaer Toepassing van wat tweedehandse goedere by openbare veiling verkoop, van Wet.
- 35 toepassing nie, en die bepalings van artikels *drie*, *vier* en *vyf*, paragraaf (*d*) van artikel *sewe* en artikel *agt* is nie op 'n *bona fide* fabriek of smeltery van toepassing nie en ook nie op iemand wat die besigheid van verkoop van vervaardigde artikels dryf nie, vir sover hy by wyse van gedeeltelike betaling vir so 'n artikel deur hom verkoop 'n artikel van dieselfde soort as die aldus verkoopde artikel aanneem.
- 40 3. Niemand wat 'n lisensie uitgereik onder item 11, 15 of 18 Sertifikaat in verband met sekere lisensies vereis.
- 45 van Deel I van die Tweede Bylae by die „Licenties Konsolidatie Wet, 1925” (Wet No. 32 van 1925), besit, mag onder daardie lisensie die besigheid van handel in tweedehandse goedere dryf nie, behalwe vir sover in daardie lisensie vermeld, en geen lisensie om so 'n besigheid te dryf word aan enigiemand uitgereik nie, behalwe op gesag van 'n sertifikaat in artikel *vier* bedoel.
- 50 4. (1) 'n Aansoek om 'n ingevolge artikel *drie* vereiste sertifikaat, in die voorgeskrewe vorm en met aangifte van die voor- geskrewe besonderhede, moet ingedien word by die magistraat Verlening van sertifikate vir lisensies.
- 55 van die distrik waarin die applikant voornemens is om besigheid te dryf, en moet, indien die perseel waar die applikant voornemens is om besigheid te dryf, geleë is in 'n gebied waарoor 'n plaaslike owerheidregsbevoegdheid besit, vergesel gaan van 'n verklaring, onderteken deur 'n behoorlik gemagtigde beampete

signed by a duly authorized officer of that local authority to the effect that such local authority has no objection to the grant of the certificate.

(2) If after consideration of any such application, and of a report from the officer in police charge of the district in question, the magistrate is satisfied—
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(a) that the applicant is a person of good character;

(b) that the premises in or on which the applicant proposes to carry on business are suitable and adequately equipped for the purpose; and
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(c) that the business proposed to be carried on by the applicant will meet a public need,

he may grant the required certificate to the applicant: Provided that no certificate shall be granted to any applicant whereby he would be enabled to carry on the business of dealing in any particular class of second-hand goods at more than one address within the same district.
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(3) The grant of a certificate under sub-section (2) shall be in the discretion of the magistrate concerned, who may in any particular case grant a certificate authorizing the issue to the applicant of a licence to carry on business in connection with all classes or kinds of second-hand goods or specified classes or kinds of second-hand goods or all classes or kinds of second-hand goods other than specified classes or kinds of such goods.
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Issue of licences.

5. The receiver of revenue for any district to whom there is presented a certificate granted under section *four* shall, subject to compliance with the requirements of any law regulating the issue of the licence authorized by that certificate, issue to the person in whose favour that certificate has been granted a licence in the terms authorized by the certificate.
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Keeping of records by dealers.

6. (1) Every dealer shall keep in the prescribed form in one or other of the official languages of the Union registers of his transactions in second-hand goods, in which shall be recorded in respect of every acquisition or disposal of such goods—
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(a) the name and address of the person from whom such goods are acquired or to whom such goods are disposed of;

(b) the date and hour of acquisition or disposal of such goods and of delivery or removal thereof at or from the dealer's premises;
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(c) the consideration given or received for such goods;

(d) a full description of such goods, indicating the quantity and colour thereof, any identification marks thereon and any other distinguishing features thereof, and, in the case of metals, the form in which such metals are acquired or disposed of;
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(e) the number assigned to such goods by the dealer under sub-section (3) at the time of acquisition thereof; and

(f) in the case of a motor vehicle, the number of the engine and the chassis respectively and the registration number.
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(2) The entry to be made under sub-section (1) in respect of any transaction shall be effected at the time such transaction takes place: Provided that in the case of goods acquired or disposed of at a public auction, the entry may be made at any time on the day on which the auction takes place.
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(3) For the purpose of paragraph (e) of sub-section (1) a dealer shall assign a number to every quantity of second-hand goods acquired by him, a new series of numbers being commenced for each month, and the number assigned to any such goods shall be marked by such dealer on such goods or, in the case of goods acquired in bulk, on the container thereof.
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(4) Separate registers shall be kept in respect of acquisitions and disposals of goods and, if the Minister by notice in the *Gazette* so directs, also in respect of different classes or groups of goods as may be specified in the notice.
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(5) The keeping of any register required to be kept by any dealer under any other law, shall, in so far as such register contains the particulars prescribed in this section, be deemed to be a sufficient compliance with the requirements of this section.

van daardie plaaslike owerheid, ten effekte dat bedoelde plaaslike owerheid geen beswaar teen die verlening van die sertifikaat het nie.

(2) Indien die magistraat na oorweging van so 'n aansoek en 5 van 'n verslag van die amptenaar onder wie se polisietoesig die betrokke distrik staan, oortuig is—

- (a) dat die applikant 'n persoon van goeie karakter is;
- (b) dat die perseel waarin of waarop die applikant voor- 10 nemens is om besigheid te dryf, vir die doel geskik en voldoende toegerus is; en
- (c) dat die besigheid wat die applikant voornemens is om te dryf in 'n openbare behoefté sal voorsien,

kan hy die vereiste sertifikaat aan die applikant verleen: Met dien verstande dat geen sertifikaat aan 'n applikant verleen word wat 15 hom in staat sal stel om die besigheid van handel in 'n besondere klas van tweedehandse goedere by meer as een adres binne dieselfde distrik te dryf nie.

(3) Die verlening van 'n sertifikaat kragtens sub-artikel (2) geskied na goedunke van die betrokke magistraat, wat in 'n 20 bepaalde geval 'n sertifikaat kan verleen waarby die uitreiking aan die applikant van 'n lisensie om besigheid te dryf in verband met alle klasse en soorte tweedehandse goedere of vermelde klasse of soorte tweedehandse goedere of alle ander klasse of soorte tweedehandse goedere as vermelde klasse of soorte van 25 daardie goedere, gemagtig word.

5. Die ontvanger van inkomste vir enige distrik aan wie daar 'n kragtens artikel vier verleende sertifikaat oorgelê word, reik, onderworpe aan voldoening aan die voorskrifte van enige wet wat die uitreiking van die deur daardie sertifikaat gemagtigde 30 lisensie reëls, 'n lisensie in die terme deur die sertifikaat gemagtig uit aan die persoon in wie se guns daardie sertifikaat verleen is.

6. (1) Elke handelaar moet in die voorgeskrewe vorm in een 35 of ander van die offisiële tale van die Unie registers van sy transaksies in tweedehandse goedere hou, waarin ten opsigte van elke verkryging of van die hand sitting van sodanige goedere aanteken moet word—

- (a) die naam en adres van die persoon van wie daardie goedere verkry of aan wie daardie goedere van die hand gesit word;
- (b) die datum en uur van die verkryging of van die hand sitting van daardie goedere en van aflewering of verwydering daarvan by of van die handelaar se perseel;
- (c) die teenprestasie vir sodanige goedere gegee of ontvang;
- (d) 'n volledige beskrywing van sodanige goedere, met vermelding van die hoeveelheid en kleur daarvan, enige identifikasiemerke daarop en enige ander onderskeidende kenmerke daarvan, en, in die geval van metale, die vorm waarin daardie metale verkry of van die hand gesit word;
- (e) die nommer ingevolge sub-artikel (3) tydens die verkryging van daardie goedere deur die handelaar daar-aan toegewys; en
- (f) in die geval van 'n motorvoertuig, die onderskeie nommers van die masjien en die onderstel en die registrasienommer.

(2) Die aantekening wat ingevolge sub-artikel (1) ten opsigte van 'n transaksie gemaak moet word, moet gemaak word op die tydstip wanneer die transaksie plaasvind: Met dien verstande dat in die geval van goedere wat by 'n openbare veiling verkry of van die hand gesit word, die aantekening te eniger tyd op die dag waarop die veiling plaasvind, gemaak kan word.

(3) Vir die doeleindes van paragraaf (e) van sub-artikel (1) moet 'n handelaar aan elke hoeveelheid tweedehandse goedere 65 deur hom verkry 'n nommer toewys en elke maand met 'n nuwe nommerreeks begin, en die nommer aan enige sodanige goedere toegewys, moet deur so 'n handelaar op daardie goedere of, in die geval van goedere in massa verkry, op die houer daarvan gemerk word.

(4) Aparte registers moet gehou word ten opsigte van goedere wat verkry en van die hand gesit word en, indien die Minister by kennisgewing in die *Staatskoerant* aldus gelas, ook ten opsigte van verskillende klasse of groepe goedere soos in die kennisgewing vermeld.

(5) Die hou van 'n register wat ingevolge een of ander wet deur 'n handelaar gehou moet word, word vir sover daardie register die in hierdie artikel voorgeskrewe besonderhede bevat, geag voldoende nakoming van die vereistes van hierdie artikel te wees.