

**LAWS OF FIJI**

Ed. 1978]

**CHAPTER 238**

**SECOND-HAND DEALERS**

*Acts Nos. 15 of 1971, 14 of 1975.*

**AN ACT TO CONTROL THE SALE AND PURCHASE OF SECOND-HAND GOODS**

[1st January, 1972,]

*Short Title*

1. This Act may be cited as the Second-Hand Dealers Act.

*Interpretation*

2. In this Act, unless the context otherwise requires-

"dealer" means any person who keeps a shop, yard or other establishment for the purpose of dealing in, buying or selling second-hand goods, and includes a pawn broker;

"goods" in the expression "second-hand goods" does not include any of the goods specified in the First Schedule;

"licensing authority" means in respect of a municipality, the council of that municipality and, in respect of an area outside any municipality, a district officer.

*(Substituted by 14 of 1975, s. 70.)*

*Licences for dealers*

3.—(1) No person shall carry on the trade or business of a dealer unless he is the holder of a licence for that purpose issued under the provisions of this Act.

(2) Any person carrying on business as a dealer who carries on such business without holding a licence for that purpose issued under the provisions of this Act shall be guilty of an offence.

*Application for licence*

4.—(1) An application for a licence referred to in section 3 shall be made in the prescribed form to the licensing authority which may, in its discretion after consultation with the Commissioner of Police and subject to payment by the applicant of the prescribed fee issue a licence accordingly.

(2) Any person aggrieved by the refusal of licensing authority to issue or renew a licence under the provisions of this section may appeal within one month of such refusal to the Minister whose decision thereon shall be final.

*Licence to be posted*

**5.**-(1) Each licensed dealer shall keep his licence posted in a conspicuous place in his shop, yard or other establishment.

(2) Each licensed dealer shall always keep exhibited at or over the entrance to his shop, yard or other establishment, a sign-board of such size and type as may be prescribed and in such position as the licensing authority shall direct which signboard shall have printed thereon in the English language the words "Licensed dealer in second-hand goods".

(3) Any person failing to comply with the provisions of this section shall be guilty of an offence.

*Retention of certain goods*

**6.**-(1) Every licensed dealer who acquires otherwise than from another licensed dealer any second-hand goods specified in the Second Schedule, shall retain such goods in his possession for not less than one month before disposing of or in any way altering the condition or appearance of such goods.

(2) Any person failing to comply with the provisions of subsection (1) shall be guilty of an offence.

(3) The provisions of this section shall not apply to goods seized under distress for rent, under the provisions of a bill of sale, under a writ of *fiery facias* or under an order of the court.

*Power to amend Schedules*

**7.**-The Minister may by notification in the Gazette, amend, add to or delete from the goods or classes of goods specified in the First or Second Schedule.

*Keeping of registers by dealers*

**8.**-(1) Every licensed dealer shall keep registers in the prescribed form properly written in the English language and shall record therein such particulars as may be prescribed in respect of all second-hand goods as he may from time to time be possessed of, and the time at which and the person from whom he purchased or received such goods, adding in respect of every such last mentioned person a description of his address and business.

(2) Any person failing to comply with the provisions of subsection (1) shall be guilty of an offence.

*Power of inspection*

**9.**-(1) Every dealer shall, whenever so required by any police officer, produce for the inspection of such police officer all second-hand goods in his possession or subject to his control and all books and papers relating thereto, and in default thereof shall be guilty of an offence.

(2) Any dealer who has in his possession any second-hand goods at any place other than such premises as may be specified in a licence issued under the provision of this Act as place's in which such dealer is authorised to store second-hand goods shall be guilty of an offence.

*Information by police*

**10.**-(1) Information as to any stolen property or as to any property which has been lost may be given by the police to any licensed dealers, with lists and descriptions of the same.

(2) If any property answering such lists and descriptions is, or has since the theft or loss thereof been in the possession of any licensed dealer or is thereafter offered to or shown to any licensed dealer, he shall, without unnecessary delay, give information to that effect at the nearest police station or to any police officer, with the name, address and description of the person in whose possession the property was seen, and in default thereof he shall be guilty of an offence.

*Persons found in possession of second-hand goods*

**11.**-(1) Any person transporting or having in his possession or keeping any second-hand goods without lawful excuse shall be guilty of an offence.

(2) For the purposes of this section, second-hand goods shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession of himself or of any other person in any street, house, building, vehicle, vessel or boat, field or place, open or enclosed, whether occupied by himself or not and whether such second-hand goods are so possessed or kept either for his own use or benefit or for the use or benefit of another person.

*Penalty*

**12.**-(1) Any person convicted of an offence under this Act shall be liable in the case of a first offence to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding six months or to both such fine and imprisonment and in the case of a second or subsequent offence to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) In the case of any dealer licensed under the provisions of this Act being convicted of an offence under the provisions of this Act or any offence under the provisions of Chapter XXXIV of the Penal Code, in addition to any penalty imposed under the provisions of subsection (1), any licence issued to such dealer under the provisions of this Act may be cancelled by the court by which such dealer was convicted. (*Cap. 17*)

*Regulations*

**13.** The Minister may make regulations for the purpose of carrying this Act into effect and in particular for the purpose of-

(a) prescribing the procedure to be followed, the forms to be used and the fees to be charged in connexion with the grant of licences;

(b) prescribing the conditions, which may include the giving of a security bond, to be attached to licences;

(c) prescribing the size and type of sign-boards to be exhibited by licensed dealers at or over the premises;

(d) prescribing the forms of registers to be kept by licensed dealers and the particulars required to be recorded therein;

(e) providing for the exemption of specific organisations from the provisions of this Act;

(f) providing for such matters as are necessary to carry out the purposes of this Act.

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## **FIRST SCHEDULE**

*(Section 2)*

Books, magazines and newspapers;  
Furniture;  
Gunny bags, sail cloth, canvas;  
Bottles;  
Old iron and metals, other than gold, silver, platinum, brass, bronze, copper, lead, pewter, zinc or block tin or any combination of any such metals;  
Kerosene tins, oil drums, and other similar empty receptacles;  
Wooden and tin lined boxes and cases;  
Motor vehicles;  
Ships, vessels or boats;  
Refrigerators.

## **SECOND SCHEDULE**

*(Section 6)*

Articles to be retained for one month:-

Articles of gold, silver, platinum, brass, bronze, copper, lead, pewter, zinc or block tin or any combination of any such metals;  
Bicycles and spare parts and accessories thereof;  
Cameras;  
Clocks and watches;  
Field glasses and other optical instruments of any kind;  
Film projectors;  
Furs;  
Gramophones and radiograms;  
Jewellery and jewels and all articles of personal adornment;  
Lawnmowers and motormowers;  
Musical instruments other than pianos;  
Overcoats, raincoats and men's suits;  
Radio and television receiving and transmitting instruments and all parts thereof, and apparatus and articles used in connection therewith;  
Scrap gold, silver, platinum, brass, bronze, copper, lead, pewter, zinc or block tin or any combination of those metals;  
Tape recorders and other recording apparatus;  
Tools of trade;  
Tools, parts and accessories of motor vehicles of all kinds;  
Travelling rugs;  
Typewriters;  
Wire or cable, made of, or containing, copper.

*Controlled by Ministry of Commerce and Industry*

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## CHAPTER 238

### SECOND HAND DEALERS

#### SECTION 13-SECOND-HAND DEALERS REGULATIONS

*Regulations 15th October, 1971.*

*Made by the Minister*

*Short title*

1. These Regulations may be cited as the Second-Hand Dealers Regulations.

*Applications for licences*

2. Applications for licences for second-hand dealers shall be made to the licensing authority in whose area the dealer proposes to carry on business as a dealer in second-hand goods or, if more than one place of business is proposed, to each of such licensing authorities.

*Licences to be annual*

3. Licences for second-hand dealers which are issued under the provisions of section 4 of the Act shall be for a period of one year from the date of issue.

*Conditions deemed to be included in licence*

4.—(1) The following conditions shall be deemed to be included in any licence issued under the provisions of the Act:-

- (a) if the licensee changes his place of business or any of his places of business during the period of the licence, he shall inform the licensing authority and the nearest police station of such change within seven days thereof;
- (b) the licensee shall deliver up to the licensing authority his licence within seven days of ceasing for any reason to be licensed;
- (c) the licensee shall not transfer, lend, or part with the possession of his licence, to any other person;
- (d) the licensee shall not carry on business except between the hours of 8 a.m. and 6 p.m. on any week day;
- (e) the licensee shall, where the aggregate value of the goods exceeds 50 cents, obtain a receipt from any person from whom he buys or receives as a security for any loan second-hand goods;
- (f) the licensee shall on selling any second-hand goods give a receipt to the purchaser of such goods specifying the goods so sold;
- (g) the licensee shall not purchase any second-hand goods from any person who has not attained the age of seventeen years;

(h) the licensee shall give a bond to the licensing authority in such sum as the licensing authority requires to secure complete compliance with the provisions of the Act;

(i) any special conditions which may be imposed by the licensing authority.

(2) In addition to the conditions set out in paragraph (1), a licensing authority may impose such conditions as it deems advisable in any licence so as to restrict the type or nature of second-hand goods which may be purchased or sold by a dealer.

(3) Any licensee who fails to comply with any condition imposed upon the issue of a licence issued under the provisions of the Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars.

*Signboards*

5. The sign-board to be kept exhibited by a licensed dealer under the provisions of subsection (2) of section 5 of the Act shall be not less than 3 feet long nor less than 18 inches high on which the letters shall be legibly inscribed in letters not less than 2 inches high.

*Register*

6. The register to be kept in accordance with the provisions of section 8 of the Act shall be completed by the licensed dealer and shall, in the case of the register of second-hand goods purchased, be signed by the vendor, and in the event of any particular not being inserted in such register the licensed dealer shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred dollars.

*Forms*

7. The forms to be used in connection with the provisions of the Act shall be in accordance with the First Schedule.

*Fees*

8. The fees to be paid in connection with the provisions of the Act shall be in accordance with the Second Schedule.

**FIRST SCHEDULE**

*(Regulation 7)*

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Form 1

**SECOND-HAND DEALERS ACT**

*(Cap. 238)*

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**APPLICATION FOR LICENCE**

I/we.....of.....  
.....

carrying on business at (specify all places at which business is proposed to be conducted),

.....  
under the name of.....hereby apply for a licence/the renewal  
of a licence to carry on business as a second-hand dealer(s).

Business Names Registration No .....  
(if applicable).

Date.....

.....  
(Signature of applicant).

Form 2

**SECOND-HAND DEALERS ACT**  
(Cap. 238)

.....  
of .....carrying on business  
under the name of  
.....is hereby registered  
as a second-hand dealer for the period of one year from the ..... day of  
....., 19.....to carry on business at the following  
address(es):-

.....  
.....  
.....  
.....

Special Conditions of Licence

1. The amount of the security bond shall be  
\$......

2. ....

Dated this .....day of ....., 19.....

Licensing Authority.

Form 3

**REGISTER OF SECOND-HAND GOODS PURCHASED**

Date and Time	Serial No.	Detailed Particulars of Goods and Quantity	Price Paid	Full name and address of vendor	Signature of Vendor
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**REGISTER OF SECOND-HAND GOODS SOLD**

Date and Time	Serial No. in Purchase Register	Detailed Particulars of Goods and Quantity	Price received	Full Name and Address of Purchaser
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**SECOND SCHEDULE***(Regulation 8)***FEES**

	\$
On application for original licence .....	10
On issue of licence for one place of business .....	60
On issue of licence for each place of business after the first .....	60

*Controlled by Ministry of Commerce and Industry*

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