

LAWS OF GUYANA

PAWNBROKING ACT

CHAPTER 91:09

Act

3 of 1884

Amended by

26 of 1903

25 of 1928

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Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 91:09

PAWNBROKING ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.

PAWNBROKERS

3. Persons to be deemed pawnbrokers.
4. Application of the Act to representatives of deceased pawnbrokers.
5. Effect of act done by servant of pawnbroker.
6. Extension of rights of pawners to their representatives or assigns.
7. Application of the Act in respect of loans.

GENERAL OBLIGATIONS OF PAWNBROKER

8. Books to be kept by pawnbroker.
9. Rules to be observed by pawnbroker.

PAWNING; REDEMPTION; AND SALE

10. Pawn-tickets.
11. Special provisions in relation to pledges of precious metals.
12. Profit and charges allowed to pawnbroker.
13. (1) Period of redemption of pledge.
(2) Forfeiture of pledge for \$5 and under, if not so redeemed.
(3) When pledge is for above \$5.
14. Disposal of pledge for above \$5.
15. Offences by auctioneer.
16. Right of inspection of sale books.
17. Surplus balances from sales of pledges to be paid to public trustee.
18. Offences as to pledge for more than \$5.

SPECIAL CONTRACTS

19. Special contract, subject to restrictions.

SECTION

PRECAUTIONS AGAINST THEFT AND FIRE

- 20. Precautions against theft and fire.
- 21. Insurance against theft and fire.

DELIVERY UP OF PLEDGE

- 22. Right of holder of pawn-ticket to redeem pledge.
- 23. Production of pawn-ticket on redemption.
- 24. Liability of pawnbroker for theft or destruction as a result of fire.
- 25. Compensation for depreciation of pledge.
- 26. (1) Protection of owner and of pawner not having pawn-tickets.
(2) False declaration. Misdemeanour.
- 27. Delivery to owner of property unlawfully pawned.
- 28. Summary order for delivery of pledge to person entitled.

GENERAL RESTRICTIONS ON PAWNBROKER

- 29. Prohibition as to taking or purchasing of pledge in certain circumstances, and as to sundry other things.

UNLAWFUL PAWNING AND TAKING IN PAWN

- 30. Unlawful pawning of goods not property of pawner.
- 31. Person offering article in pawn not giving a good account of himself.
- 32. (1) When linen, apparel, unfinished goods are not to be taken in pawn.
(2) Search warrant for goods unlawfully pawned.

LICENCES

- 33. Annual licence by pawnbroker.
- 34. Cesser of licence on conviction on indictment.
- 35. Condition of granting licence.

PENALTIES AND LEGAL PROCEEDINGS

- 36. General penalty for offences.
- 37. Application of penalty.
- 38. Order for amends for frivolous complaint.

SECTION

39. Common informer compounding information.
40. Detention of person offering forged pawn-tickets.
41. Production of books and papers by pawnbroker before magistrate.
42. Validity of contract notwithstanding offence.
43. Protection of person acting under the Act.

FIRST SCHEDULE—Forms.

SECOND SCHEDULE—Profit and Charges allowed to Pawnbrokers.

THIRD SCHEDULE— Regulations as to Auctions of Pledges above five dollars.

1929 Ed.
c. 69
1953 Ed.
c.336

CHAPTER 91:09
PAWNBROKING ACT

3 of 1884

An Act to regulate the Business of Pawnbroking.

[31st MAY, 1884]

Short title.

1. This Ordinance may be cited as the Pawnbroking Act.

Interpretation.

2. In this Act—

“pawner” means a person delivering an article for pawn to a pawnbroker;

“pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn;

“pledge” means an article pawned with a pawnbroker;

“shop” includes a dwelling-house and warehouse or other place of business, or place where business is transacted;

“unfinished goods or materials” includes any goods of any manufacture or of any part or branch thereof, either mixed or separate, or any materials whatever plainly intended for composing or manufacturing goods, after the goods or materials are put into a state or course of manufacture or into a state for any process or operation to be performed thereupon or therewith, and before they are completed or finished for the purpose of wear or consumption.

PAWNBROKERS

Persons to be deemed pawnbrokers. [37 of 1957].

3.(1) The following persons shall be deemed to be persons carrying on the business of taking goods and chattels in pawn, that is to say, every person who keeps a shop for the purchase or sale of goods or chattels, or for taking in goods or chattels by way of security for money, or money's worth advanced thereon and who purchases or receives or takes in goods or chattels, and pays, or advances, or lends thereon, any sum of money not exceeding two hundred and fifty dollars, or supplies any provisions, merchandise, or any other article not exceeding two hundred and fifty dollars in value, with or under an agreement or understanding expressed or implied, or from the nature and character of the dealing to be reasonably inferred, that those goods or chattels may be afterwards redeemed or re-purchased on any terms.

(2) Each transaction, article, payment, advance, and loan aforesaid shall be deemed a pawning, pledge, and loan, respectively, within this Act.

Application of the Act to representatives of deceased pawnbrokers.

4. The provisions of this Act relating to pawnbrokers shall extend to and include the executors or administrators of deceased pawnbrokers, except that an executor or administrator shall not be answerable for any penalty or forfeiture personally or out of his own estate, unless it is incurred by his own act or neglect.

Effect of act done by servant of pawnbroker.

5. For the purposes of this Act, anything done or omitted by the servant, apprentice, or agent, of a pawnbroker in the course of or in relation to the pawnbroker's business shall be deemed to be done or omitted, as the case may be, by the pawnbroker; and anything by this Act authorised to be done by a pawnbroker may be done by his servant, apprentice or agent.

Extension of rights of pawners to their representatives or assigns.

6. The rights, powers and benefits hereby reserved to and conferred on pawners shall extend to and be deemed to be reserved to and conferred on, the assigns of pawners, and to and on the executors or administrators of deceased pawners; but any person representing himself to the pawnbroker as the assign, executor, or administrator of a pawner shall, if required by the pawnbroker, produce to the pawnbroker the assignment, will, letters of administration or other instrument under which he claims.

Application of the Act in respect of loans. [37 of 1957].

7. (1) This Act shall apply to any loan by a pawnbroker not exceeding two hundred and fifty dollars except as in this Act otherwise provided in relation to any loan where a special contract under this Act is made between the pawnbroker and the pawner at the time of pawning.

(2) Nothing in this Act shall apply to a loan by a pawnbroker exceeding two hundred and fifty dollars or to the pledge on which the loan is made, or to the pawnbroker or pawner in relation to the loan or pledge, and no person shall be deemed to be a pawnbroker by reason only of his paying, advancing or lending on any terms any sum or sums exceeding two hundred and fifty dollars.

GENERAL OBLIGATIONS OF PAWNBROKER

Books to be kept by pawnbroker. First Schedule.

8. (1) A pawnbroker shall keep and use in his business the books and documents described in the First Schedule in the forms therein indicated or to the like effect, and shall, from time to time as occasion requires, enter therein, in a fair and legible manner, the particulars indicated in and in accordance with the directions of that Schedule, and shall make all inquiries necessary for that purpose.

(2) If a pawnbroker fails in any respect to comply with the requirements of this section, he shall be guilty of an offence.

Rules to be observed by pawnbroker.

9. (1) A pawnbroker shall observe the following rules:

- (a) he shall always keep exhibited in large characters over the outer door of his shop, his forename and surname or names, with the word "pawnbroker"; and
- (b) he shall always keep placed in a conspicuous part of his shop (so as to be legible by every person pawning or redeeming pledges, standing in any box or place provided in the shop for persons pawning or redeeming pledges) the same information as is, by the rules of the First Schedule required to be printed on pawn-tickets.

First Schedule.

(2) If a pawnbroker fails in any respect to comply with the requirements of this section, he shall be guilty of an offence.

PAWNING; REDEMPTION; AND SALE

Pawn-tickets.
[37 of 1957]

10. (1) A pawnbroker shall, on taking a pledge in pawn, give to the pawner a pawn-ticket on which shall be indorsed the value of the pledge as agreed upon between the pawnbroker and the pawner and shall not take a pledge in pawn unless the pawner takes the pawn-ticket.

(2) No pawnbroker on taking a pledge in pawn shall make or purport to make separate loans in respect of different parts of the pledge, or give to the pawner one or more than one pawn- ticket for the different parts.

(3) When any pawnbroker, on taking a pledge in pawn, makes or purports to make separate loans in respect of different parts thereof, or gives to the pawner separate pawn-tickets for those loans, the transaction shall be deemed to be a single transaction for a loan amounting to the total of the loans, and the pawnbroker shall be deemed to have given to the pawner a single pawn-ticket for the pledge stating the amount of the loan.

(4) Anyone who contravenes this section shall be guilty of an offence.

Special provisions in relation to pledges of precious metals.
[37 of 1957]

11. (1) Where any article made of any precious metal or containing any precious metal is taken in pawn, the pawnbroker shall indorse upon the pawn-ticket the following particulars:

- (a) the weight of the pledge and a description of the metal;
- (b) in the case of any pledge of gold the purity of the gold; and
- (c) the value of the pledge, as agreed upon between the pawnbroker

and the pawner, both in words and figures.

(2) Any person who contravenes this section shall be guilty of an offence.

(3) In this section—

“precious metal” means gold, platinum or silver.

Profit and charges allowed to pawn broker. Second Schedule. [37 of 1957]

12. (1) A pawnbroker—

- (a) may take profit on a loan on a pledge at a rate not exceeding that specified in the Second Schedule;
- (b) may demand and take the charges specified in that Schedule, in the cases and according to the rules therein stated and prescribed;
- (c) shall not, in respect of a loan on a pledge, take any profit, or demand or take any charge or sum whatever, other than those specified in that Schedule; and
- (d) shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him.

(2) The Minister may by order published in the Gazette vary the amounts prescribed in Part III of the Second Schedule.

Period of redemption of pledge.

13. (1) Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace, within which every pledge (if not redeemed within the year of redemption) shall continue to be redeemable.

Forfeiture of pledge for \$5 and under, if not so redeemed.

(2) A pledge pawned for five dollars or under, if not redeemed within the year of redemption and days of grace, shall, at the end of the days of grace, become and be the pawnbroker's absolute property.

When pledge is for above \$5.

(3) A pledge pawned for above five dollars shall further continue redeemable until it is disposed of, as herein provided, although the year of redemption and days of grace are expired.

Disposal of pledge for above \$5
Third Schedule.
[37 of 1957]

14. (1) A pledge pawned for above five dollars shall, when disposed of by the pawnbroker, be disposed of by sale by public auction not later than eighteen months after the pledge has been pawned, and not otherwise; and the regulations contained in the Third Schedule shall be observed with reference to the sale.

(2) A pawnbroker may bid for and purchase at a sale by auction, made or purporting to be made hereunder a pledge pawned with him and, on that purchase, shall be deemed the absolute owner of the pledge purchased.

Offences by auctioneer.

15. If an auctioneer does anything in contravention of the provisions hereof relating to auctioneers, or fails to do anything which he is hereby required to do, he shall be guilty of an offence.

Right of inspection of sale book.

16. At any time within three years after the auction at which a pledge pawned for above five dollars is sold, the holder of the pawn-ticket may inspect the entry of the sale in the pawnbroker's book, and in the filled-up catalogue of the

auction (authenticated by the signature of the auctioneer), or in either of them.

Surplus balance from sales of pledges to be paid to Public Trustee.
[37 of 1957]

17. (1) Where any pledge which has been pawned for above five dollars is sold for more than the amount of the loan and profit and charge for insurance due at the time of sale, the pawnbroker shall pay the surplus to the Public Trustee on behalf of the pawner not later than two months after the date of sale:

Provided that if at any time before it is paid to the Public Trustee the holder of a pawn-ticket demands the surplus, the pawnbroker shall pay it to him on delivery of the pawn-ticket.

(2) The Public Trustee shall, not later than three months after the receipt of any surplus balances under subsection (1), publish in one daily newspaper circulating in Guyana a list of the names of the persons on behalf of whom he is holding surplus balances under subsection (1).

(3) Where upon the application of any person the Public Trustee is satisfied that such person is the pawner of an article in respect of which the Public Trustee is holding any surplus balance, the Public Trustee shall pay such surplus balance to such person.

(4) The Public Trustee shall pay to the Accountant General for the public use any surplus balances in his possession for more than three years.

(5) The Public Trustee shall keep copies of the lists published under the provisions of subsection (2), and such lists shall be open to inspection by any person whose name appears thereon.

(6) Section 13 of the Public Trustee Act shall not apply to the Public Trustee in regard to the duties under this

c. 13:01

section.

Offences as to
pledge for
more than \$5.
[37 of 1957]

18. A pawnbroker who, with respect to pledges for loans of above five dollars—

- (a) does not in good faith, according to the directions of this Act, sell a pledge pawned with him; or
- (b) enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the pledge; or
- (c) refuses to permit any person entitled hereunder to inspection of an entry of sale in his book, or of a filled-up catalogue of the auction (authenticated by the auctioneer's signature), to inspect it; or
- (d) fails without lawful excuse (the proof whereof shall lie on him) to produce that catalogue on lawful demand; or
- (e) deals with any pledge or the proceeds of sale thereof otherwise than in the manner prescribed by this Act, or fails without lawful excuse (the proof whereof shall be on him) to do, in relation to any pledge or the proceeds of sale thereof any act he is required to do under the provisions of this Act,

shall be liable to a fine of one hundred and fifty dollars.

SPECIAL CONTRACTS

Special
contract,
subject to

19. (1) Notwithstanding anything herein contained, a pawnbroker may make a special contract with a pawner in

restrictions.
[37 of 1957]

respect of a pledge on which the pawnbroker makes a loan of above ten dollars:

Provided that –

- (a) the rate of profit charged shall not exceed the rate prescribed in Part I of the Second Schedule;
- (b) the pawnbroker shall, at the time of the pawning, deliver to the pawner a special contract pawn-ticket, signed by him; and
- (c) a duplicate of the special contract pawn-ticket shall be signed by the pawner.

(2) This Act, except so far as the application thereof is excluded by the terms of the special contract, shall apply thereto.

PRECAUTIONS AGAINST THEFT AND FIRE

Precautions
against theft
and fire.
[37 of 1957]

20. (1) Every pawnbroker shall keep on his business premises a vault for the storage of pledges which is reasonably secure against theft and fire.

(2) Every pawnbroker shall at all times keep his premises reasonably secure against theft and fire.

Insurance
against theft
and fire.
[37 of 1957]

21. (1) Every pawnbroker shall insure against theft and fire every pledge to the extent of its full value as agreed upon between the pawnbroker and the pawner.

(2) Any pawnbroker who contravenes subsection (1) shall be liable on summary conviction to a fine of seventy-five dollars in respect of each pledge he fails to insure as

required by subsection (1).

DELIVERY UP OF PLEDGE

Right of holder of pawn-ticket to redeem pledge.

22. The holder for the time being of a pawn-ticket shall be presumed to be the person entitled to redeem the pledge, and, subject to this Act, the pawnbroker shall accordingly, on payment of the loan and profit, deliver the pledge to the person producing the pawn-ticket, and he is hereby indemnified for so doing.

Production of pawn-ticket on redemption.

23. A pawnbroker shall not (except as in this Act provided) be bound to deliver back a pledge unless the pawn-ticket for it is delivered to him.

Liability of pawnbroker for theft or destruction as a result of fire. [37 of 1957]

24. Where a pledge is stolen or is destroyed or damaged as a result of fire, the pawnbroker shall nevertheless be liable on application within the period during which the pledge would have been redeemable to pay the value of the pledge after deducting the amount of the loan, profit and charge for insurance.

Compensation for depreciation of pledge.

25. If a person entitled and offering to redeem a pledge shows, to the satisfaction of a magistrate, that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default, neglect, or wilful misbehaviour of the pawnbroker, the magistrate may, if he thinks fit, award a reasonable amount in satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker or shall be paid by the pawnbroker, as the case requires, in the manner directed by the magistrate.

Protection of owner and of pawner not having pawn-tickets.

26. (1) The following provisions shall have effect for the protection of owners of articles pawned and of pawners not having their pawn-tickets to produce:

- (a) any person claiming to be the owner of a pledge but not holding the pawn-ticket, or any person claiming to be entitled to hold a pawn-ticket but alleging that it has been lost, mislaid, destroyed, or stolen, or fraudulently obtained from him, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to him;
- (b) if the applicant delivers back to the pawnbroker the declaration duly made before a magistrate or justice of the peace by the applicant and by a person identifying him, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and remedies as if he produced the pawn-ticket; but the declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than one month after the day on which the form is delivered to the applicant by the pawnbroker;
- (c) the pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid; and
- (d) the pawnbroker is hereby further indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or is false in

any material particular.

False
declaration.
Misdemean-
our.

(2) Anyone who makes a declaration under this Act either as an applicant or as identifying an applicant, knowing it to be false in any material particular, shall be guilty of a misdemeanour and be liable to the punishment attaching by law to perjury.

Delivery to
owner of
property
unlawfully
pawned.
[37 of 1957]

27. In each of the following cases, that is to say—

- (a) if anyone is convicted under this Act before a magistrate of knowingly and designedly pawning with a pawnbroker anything which is the property of another, the pawner not being employed or authorised by the owner thereof to pawn it; or
- (b) if anyone is convicted before a magistrate or in any court of feloniously taking or fraudulently obtaining any goods and chattels, and it appears to the magistrate or the court that they have been pawned with a pawnbroker; or
- (c) if in any proceedings before a magistrate or in any court, it appears to the magistrate or the court that any goods and chattels brought before the magistrate or the court have been unlawfully pawned with a pawnbroker,

the magistrate or the court, on proof of the ownership of the goods and chattels, may, if he or the court thinks fit, order the delivery thereof to the owner, on payment to the pawnbroker of the amount of the loan, profit and charge for insurance

where the magistrate or the court is satisfied that the pawnbroker acted in good faith and without negligence; and, subject to the foregoing, no action shall lie against any pawnbroker in respect of any pledge in his possession unless the plaintiff avers and proves that the pawnbroker acted in bad faith or was negligent at the time the article was pledged.

Summary order for delivery of pledge to person entitled.

28. If a pawnbroker, without reasonable excuse (the proof whereof shall lie on him), refuses or neglects to deliver a pledge to the person entitled to have delivery thereof under this Act he shall be guilty of an offence and a magistrate may, if he thinks fit, with or without imposing a penalty, order the delivery of the pledge on payment of the amount of the loan and profit.

GENERAL RESTRICTIONS ON PAWNBROKER

Prohibition as to taking or purchasing of pledge in certain circumstances, and as to sundry other things.
[37 of 1957
4 of 1972]

29. A pawnbroker who—

- (a) takes an article in pawn from any person appearing to be under the age of sixteen years or to be intoxicated; or
- (b) purchases or takes in pawn or exchange a pawn-ticket issued by another pawnbroker; or
- (c) employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn; or
- (d) carries on the business of a pawnbroker on a public holiday; or
- (e) under any pretence purchases, except at public auction, any pledge

while in pawn with him; or

- (f) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or
- (g) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale, or disposition thereof within the time of redemption; or
- (h) sells or otherwise disposes of any pledge pawned with him except at the time and in the manner by this Act authorised,

shall be guilty of an offence.

UNLAWFUL PAWNING AND TAKING PAWN

Unlawful
pawning of
goods not
property of
pawner.

30. (1) Anyone who knowingly and designedly pawns with a pawnbroker anything which is the property of another, the pawner not being employed or authorised by the owner thereof to pawn it, shall be liable on summary conviction to a fine of seventy-five dollars, and, in addition thereto, any sum not exceeding the full value of the pledge as ascertained by the magistrate.

(2) The forfeitures, when recovered, shall be applied towards making satisfaction there out to the party injured and defraying the costs of prosecution, as the magistrate directs; but if the party injured declines to accept the satisfaction and costs, or if there is any surplus of the forfeitures, then the forfeitures or surplus, as the case may be, shall be paid to the Accountant General for the public use.

Person offering article in pawn not giving a good account of himself.
[37 of 1957]

31. (1) Anyone who—

- (a) offers to a pawnbroker an article by way of pawn and is unable or refuses to give a satisfactory account of the means whereby he became possessed of the article; or
- (b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article; or
- (c) not being entitled to redeem, and not having any colour of title by law to redeem, a pledge, attempts or endeavours to redeem the pledge,

shall be guilty of an offence.

(2) In each of those cases and also in any case where, on an article being offered in pawn to a pawnbroker, he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person and the article, or either of them, and shall deliver the person and the article, or either of them, as the case may be, as soon as possible into the custody of a constable, who shall, as soon as possible, convey the person, if so detained, before a magistrate to be dealt with according to law.

When linen, apparel, unfinished goods, are not to be taken in

32. (1) A pawnbroker who knowingly takes in pawn any linen, or apparel, or unfinished goods or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, shall be

pawn. liable on summary conviction to a fine of double the amount of the loan; and the pawnbroker shall likewise restore the pledge to the owner thereof, in the presence of the magistrate or as the magistrate directs.

Search warrant
for goods
unlawfully
pawned.

(2) If the owner of any linen, or apparel, or unfinished goods or materials entrusted to any person as aforesaid and unlawfully pawned with a pawnbroker, or the owner of any other article unlawfully pawned with a pawnbroker (the last-mentioned owner having upon oath satisfied a magistrate that his goods have been unlawfully obtained or taken from him), shows, upon oath before a magistrate, good cause to suspect that a pawnbroker has taken in pawn the linen, apparel, goods, materials, or article aforesaid without the privity or authority of the owner, and makes appear to the satisfaction of the magistrate probable grounds for that suspicion, the magistrate may issue his warrant for searching the shop of the pawnbroker within the hours of business.

(3) If the pawnbroker, on request by a constable authorised by the warrant, refuses to open the shop and permit it to be searched a constable may, within the hours of business, break it open and search as he thinks fit therein for the linen, apparel, goods, materials or article aforesaid, doing no wilful damages; and if a pawnbroker or any other person opposes or hinders the search, he shall be guilty of an offence.

(4) If on the search any linen, apparel, goods, materials, or article aforesaid is or are found, and the property therein of the owner is made out to the satisfaction of a magistrate, the magistrate shall cause it or them to be forthwith restored to the owner thereof.

LICENCES

Annual licence
by pawn-
broker.

33. (1) Every pawnbroker shall yearly take out from the district commissioner a licence for carrying on his business, for which there shall be charged and paid the sum (if any) determined by the Minister.

(2) A separate licence shall be taken out and paid for by a pawnbroker for each pawnbroker's shop kept by him.

(3) Anyone who acts as a pawnbroker without having in force a proper licence, shall be guilty of an offence.

Cesser of
licence on
conviction on
indictment.

34. If a pawnbroker is convicted on indictment of any fraud in his business or of receiving stolen goods knowing them to be stolen, the court before which he is convicted may, if it thinks fit, direct that his licence shall cease to have effect, and the licence shall so cease accordingly.

Condition
of granting
licence.

35. (1) A pawnbroker's licence shall not be granted to any person except on the production of satisfactory evidence of good character.

(2) No licence shall be granted for any shop if any adjacent house or place occupied or owned by the pawnbroker is frequented by thieves or persons of bad character.

(3) No licence shall be granted to any person unless he produces satisfactory evidence that he can obtain insurance against both theft and fire.

PENALTIES AND LEGAL PROCEEDINGS

General
penalty for
offences.
[37 of 1957]

36. A pawnbroker or other person guilty of an offence in respect whereof a specific forfeiture or penalty is not hereby prescribed shall be liable to a fine of twice the declared

value of the pledge or fifty dollars, whichever is the greater.

Application of
penalty.

37. Any penalty recovered under this Act, not directed to be otherwise applied, may be applied, under direction of the magistrate before whom it is recovered, as follows:

- (a) where the complainant is the party aggrieved, one moiety of the penalty may be paid to him; and
- (b) where the complainant is not the party aggrieved, there shall be paid to him no part, or only that part of the penalty which the magistrate thinks fit.

Order for
amends for
frivolous
complaint.
[4 of 1972]

38. Where a complaint or information of any offence (not being an offence against any provision hereof relating to licences), is made or laid before a magistrate and is not further prosecuted, or if the complaint or information is further prosecuted but it appears to the magistrate by whom the cause is heard that there was no sufficient ground for making the charge, the magistrate may award such amends, not exceeding the sum of twenty-five dollars, to be paid by the complainant or informant to the party against whom the complaint or information is made or laid for his loss of time and expenses in the matter, as to the magistrate seems meet; and every sum so awarded shall be recoverable as penalties are recoverable.

Common
informers
compounding
information.

39. Anyone who lays an information for an offence alleged to have been committed by which he was not personally aggrieved, and afterwards directly or indirectly receives, without the permission of a magistrate, any sum of money or other reward for compounding, delaying, or withdrawing the information, shall be guilty of an offence.

Detention of person offering forged pawn-tickets.

40. If anyone utters, produces, shows, or offers to a pawnbroker a pawn-ticket which he reasonably suspects to have been counterfeited, forged, or altered, he may seize and detain the person and the ticket, or either of them, and shall deliver the person and the ticket, or either of them, as the case may be, as soon as may be into the custody of a constable, who shall, as soon as may be, convey the person, if so detained, before a magistrate to be dealt with according to law.

Production of books and papers by pawnbroker before magistrate.

41. (1) A pawnbroker shall, at any time, when ordered or summoned by a magistrate, attend before the magistrate and produce all books and papers relating to his business which he may be required by the magistrate to produce.

(2) A pawnbroker shall at all reasonable times allow any officer or non-commissioned officer of the police force to inspect, and to make copies of or extracts from, all books and papers relating to his business.

(3) If he fails to do so, he shall be guilty of an offence.

Validity of contract notwithstanding offence.

42. Where a pawnbroker is guilty of an offence (not being an offence against the provisions hereof relating to licences), any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall nevertheless not be void by reason only of that offence, nor shall he by reason only of that offence lose his lien on or right to the pledge or to the loan and profit; but nothing in this section shall restrict the operation of any provision of this Act providing for the delivery of any goods and chattels, or the restoration of any linen, apparel, unfinished goods, materials, or article to the owner, under the order of any magistrate or court.

Protection of person acting under the Act.

43. Anyone sued or prosecuted for anything done by him in pursuance or execution or intended execution of this Act may plead generally that the act was done in pursuance or execution or intended execution of this Act and give the special matter in evidence.

FIRST SCHEDULE

FORMS

FORM 1

Pledge Book

of..... Pawnbroker.....

Number of pledge in the month	Amount of Loan	Name of pawner	Address of pawner	Name of owner, if other than pawner	Address of owner if other than pawner	Description of article pawned	Agreed value of pledge	Amount of loan	Profit charges	Insurance	Date of Redemption	Pledges of \$5: and under	Date sold at auction

FORM 2

PAWN-TICKET

A

For loan of \$5.00 or under

Pawned
with.....pawnbroker
(name)

.....
(address)

this.....day of....., 20..... ,

by.....of lot
(name) (address)

for the sum of (\$.....)dollars,
.....
(description of article)

(Conditions to be printed on the ticket)

The pawnbroker is entitled to charge—
For this ticket two cents.

For profit on the first 50 cents or part thereof lent on this
pledge for not more than one calendar month, one cent, and
on each complete sum of 50 cents above the first 50 cents for
the said period a further one cent.

And so on at the same rate per calendar month.

After the first calendar month, any time not exceeding
fourteen days will be charged as half a month, and any
time exceeding fourteen days and not more than one month
will be charged as one month.

The value of this pledge as agreed between the pawnbroker
and the pawner is the sum of.....dollars
and is insured against fire and theft for that sum.

The pawnbroker is also entitled to charge in addition to the
foregoing charges a minimum of ½% of the value of this
pledge to cover insurance against loss by fire or theft,
such charge to be calculated as follows—

For a period not exceeding six months½%

For a period exceeding six months but not exceeding twelve months1 %

For a period exceeding twelve months but not exceeding eighteen months 1½%

This pledge must be redeemed within twelve calendar months and seven days from the date of pledging.

At the end of twelve months and seven days the pledge shall become the property of the pawnbroker.

If the pledge is destroyed or damaged by fire, mislaid, lost or stolen, the pawnbroker shall pay the pawner the value of the pledge after deducting the amount of the loan, profit and insurance.

If this ticket is lost, mislaid or stolen, the pawner should obtain from the pawnbroker the printed form of declaration which must be made before a magistrate or a justice of the peace and returned to the pawnbroker not later than one month after the form has been delivered to the pawner by the pawnbroker otherwise the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the pledge.

The cost of this ticket shall not be included in the amount of the loan.

B

For the loan of above \$5.00

Pawned with.....pawnbroker,
(name)

.....
(address)

thisday of, 20.....,
by of lot
for the sum of (\$.....).....dollars,

.....
(description of article)

(Conditions to be printed on the ticket)

The pawnbroker is entitled to charge—
For this ticket two cents.

For profit on each complete fifty cents lent on this pledge for
not more than one calendar month, one cent.

And so on at the same rate per calendar month.

After the first calendar month, any time not exceeding
fourteen days will be charged as half a month, and any
time exceeding fourteen days and not more than one month
will be charged as one month.

The value of this pledge as agreed between the pawnbroker
and pawner is the sum ofdollars and is insured
against fire and theft for that sum.

The pawnbroker is also entitled to charge in addition to the
foregoing charges a minimum of ½% of the value of this
pledge to cover insurance against loss by fire or theft,
such charge to be calculated as follows—

For a period not exceeding six months ... ½%
For a period exceeding six months but not

exceeding twelve months 1 %

For a period exceeding twelve months but not exceeding
eighteen months 1½%

If this pledge is not redeemed within twelve calendar months and seven days from the date of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale. Any surplus produced by the sale shall, unless claimed from the pawnbroker, be paid to the Public Trustee to whom the pawner should apply for payment of such surplus.

If the pledge is destroyed or damaged by fire, mislaid, lost or stolen, the pawnbroker shall pay the pawner the value of the pledge after deducting the amount of the loan, profit and insurance.

If this ticket is lost, mislaid or stolen, the pawner should obtain from the pawnbroker the printed form of declaration which must be made before a magistrate or justice of the peace and returned to the pawnbroker not later than one month after the form has been delivered to the pawner by the pawnbroker otherwise the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the pledge.

The cost of this ticket shall not be included in the amount of the loan.

FORM 3

REGISTER OF PLEDGES FOR LOANS ABOVE FIVE DOLLARS SOLD AT PUBLIC AUCTION

No. of Pledge as in pledge book	Date	Description of article	Amount of loan	Profit charges	Auctioneer's charges	Insurance charges	Total cost of pledge	Profit charges	Amount pledge sold for as stated by auctioneer		Difference between cost of pledge and sale price		Surplus paid to Public Trustee	
									Bought by		Loss	Gain	Date	Amount
									company	others				

FORM 4

Declaration when pledge claimed by owner

TAKE NOTICE that if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a magistrate, and declared to and signed and delivered back to the pawnbroker not later than the..... day of....., 20...., the articles mentioned in it will be delivered to any person producing the pawn-ticket.

I, A.B., ofin pursuance of the Pawnbroking Act, do solemnly and sincerely declare that the article (or articles) described below is (or are) my property, and that I believe they are pledged at the shop of.....

The article (or articles) above referred to is (or are) the following—

And I, C.D., ofin pursuance of the same Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B., of.....

Declared before me this.....day of, 20.....
(Signed).....

Magistrate

FORM 6

SPECIAL CONTRACT

Special Contract

No.....\$. ... Pawned
with.....pawnbroker, this
.....day of
20..... by.....

(name)

of.....

(address)

for the sum of.....dollars, the following articles:

(Signed) pawnbroker

(Signed)..... pawner

(Conditions to be printed on the ticket)

The pawnbroker charges—

For this ticket—four cents.

Profit at the rate per calendar month of one cent for each complete fifty cents.

After the first calendar month, any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

The value of this pledge as agreed between the pawnbroker and the pawner is the sum ofdollars and is insured against fire and theft for that sum.

The pawnbroker is also entitled to charge in addition to the foregoing charges a minimum of ½% of the value of this pledge to cover insurance against loss by fire or theft, such charge to be calculated as follows:—

For any period not exceeding six months ... ½ of 1%

For any period exceeding six months but not exceeding twelve months 1 %

For any period exceeding twelve months but not exceeding eighteen months 1½%

This pledge is pawned for a period of months.

After the expiration of that time, the pledge may be sold by auction by the pawnbroker, but it may be redeemed by the pawner at any time before the day of the sale. Any surplus produced by the sale shall, unless claimed from the pawnbroker, be paid to the Public Trustee to whom the pawner should apply for payment of such surplus.

If the pledge is destroyed or damaged by fire, mislaid, lost or stolen, the pawnbroker shall pay the pawner the value of the pledge after deducting the amount of the loan, profit and

insurance.

If this ticket is lost, mislaid or stolen, the pawner should obtain from the pawnbroker the printed form of declaration which must be made before a magistrate or justice of the peace and returned to the pawnbroker not later than one month after the form has been delivered to the pawner by the pawnbroker otherwise the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the pledge. The cost of this ticket shall not be included in the amount of the loan.

FORM 7

REGISTER OF SPECIAL CONTRACTS

Date	Number of contract	Amount of Loan	Period	Profit charges	Date of Redemption	Profit received	Insurance charges	Agreed value of pledge	Date sold at public auction

SECOND SCHEDULE

PROFIT AND CHARGES ALLOWED TO PAWNBROKERS
PART I

PROFIT ON LOAN

For profit on the first fifty cents or part thereof lent on this pledge for not more than one calendar month ... one cent

For profit on each complete sum of fifty cents above the first fifty cents for not more than one calendar month one cent.

And so on at the same rate per calendar month.

PROVISO

If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall, in respect of those fourteen days, be entitled to take half the amount which he would be entitled to take for the whole month.

PART II

CHARGE ON PAWN-TICKET

The charge for a pawn-ticket shall be two cents.

The charge for a special contract ticket shall be four cents.

PART III

CHARGE FOR INSURANCE OF PLEDGE

The charge for insurance shall be a minimum of $\frac{1}{2}$ per cent to be computed as follows on the value as agreed under section 21:

For a period not exceeding six months ½% For a period
exceeding six months but not
exceeding twelve months 1%
For a period exceeding twelve months
but not exceeding eighteen months 1½ %

PART IV
CHARGE ON INSPECTION OF SALE BOOK

For the inspection of the entry of sale two cents

PART V
CHARGE OF FORM OF DECLARATION

The charge on a form of declaration shall be two cents.

RULE

This sum is to be paid by the applicant at the time of application.

THIRD SCHEDULE

REGULATIONS AS TO AUCTIONS OF PLEDGES ABOVE
FIVE DOLLARS

1. The auctioneer shall cause all pledges to be exposed to public view.

2. He shall publish catalogues of the pledges, stating—

- (a) the pawnbroker's name and place of business;
- (b) the month in which each pledge was

pawned; and

- (c) the number of each pledge as entered at the time of pawning in the pledge book.

3. The pledges of each pawnbroker in the catalogue shall be separate from any pledges of any other pawnbroker.

4. (1) The auctioneer shall insert in some public newspaper an advertisement giving notice of the sale, and stating—

- (a) the pawnbroker's name and place of business; and
- (b) the months in which the pledges were pawned.

(2) In the case of the sale of any article made of gold, platinum or silver, or containing gold, platinum or silver, the advertisement shall, in respect of such article state the weight, description and where possible, the standard of purity of the metal.

5. The advertisement shall be inserted on two several days in the same newspaper, and the second advertisement shall be inserted at least three clear days before the first day of sale.

6. Pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intaglios, musical, mathematical and philosophical instruments, and china, sold by auction, shall be sold by themselves, and without any other goods being sold at the same sale, four times only every year, that is to say, in the months of January, April, July and October and at no other time.

7. Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form than that in

which he takes the bidding of other persons at the same sale; and the auctioneer, on knocking down any article to a pawnbroker, shall forthwith declare audibly the name of the pawnbroker as purchaser.

8. The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker were sold, and authenticated by the signature of the auctioneer.

9. The pawnbroker shall preserve every such catalogue for three years at least after the auction.
