

90
11
7-1

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
26th August, 1902.*

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

Hon. Mr. McGowan.

SECOND-HAND DEALERS.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Interpretation.</p> <p>3. Second-hand dealers to be licensed.</p> <p>4. Application for license. Council may grant license. Duration of license. License fee.</p> <p>5. Alphabetical record to be kept.</p> <p>6. Name of licensee to be displayed.</p> <p>7. Unlicensed person may not act as second-hand dealer.</p> <p>8. Register of articles bought, sold, or exchanged to be kept.</p>	<p>9. License to be produced on demand.</p> <p>10. Restrictions as to purchase of goods.</p> <p>11. Penalties.</p> <p>12. Cancellation of licenses.</p> <p>13. Payment of compensation or otherwise.</p> <p>14. Disposal of fees and penalties.</p> <p>15. Exemptions from Act.</p> <p>16. Paper-manufacturers exempted.</p> <p>16A. Disposal of recovered goods.</p> <p>16B. Exemption as to licenses. Schedules.</p>
---	--

A BILL INTITULED

AN ACT to provide for the Licensing of Second-hand Dealers, and to regulate the Sale of Second-hand Articles. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Second-hand Dealers Act, 1902." Short Title.

2. Every one who carries on the business of purchasing, selling, or exchanging second-hand articles is deemed a second-hand dealer within the meaning of this Act. Interpretation.

3. From and after the *first* day of *January*, one thousand nine hundred and *three*, it shall not be lawful for any person to carry on business as a second-hand dealer unless he is the holder of a license under this Act. Second-hand dealers to be licensed.

4. (1.) Any person wishing to obtain a license under this Act shall deliver to the Clerk of the local authority of the district within which his shop or place of business is situated an application in the form of the *First* Schedule hereto, or to the like effect, and recommended by the chief officer of police in such district. ~~and three householders resident therein.~~ Application for license.

(2.) The local authority of the district, if satisfied with the character of the applicant, may grant a license in the form of the *Second* Schedule hereto. Council may grant license.

(3.) Every such license shall be signed by the Mayor or Chairman of the local authority, and countersigned by the Clerk.

(4.) Such license, unless sooner cancelled, shall continue in force for one year from the date on which it was granted, but may be renewed from year to year as the local authority thinks fit. Duration of license.

License fee.	(5.) There shall be payable in respect of every such license, and of every annual renewal thereof, the fee of ten <i>five</i> shillings.	
Alphabetical record to be kept.	5. The Clerk of the local authority by which such licenses are granted or renewed shall keep an alphabetical record thereof, and of every cancellation thereof.	5
Name of licensee to be displayed.	6. Every licensee under this Act shall have his name in full, together with the words "licensed second-hand dealer," painted in legible characters at least two inches long, so as constantly to be seen and read over the door of his shop or <i>on some conspicuous part of his</i> place of business.	10
Unlicensed person may not act as second-hand dealer.	7. It shall not be lawful for any person not being a licensee under this Act to in any way or by any method or device hold himself out to be a licensed second-hand dealer.	
Register of articles bought, sold, or exchanged to be kept.	8. (1.) Every licensee under this Act shall keep a book wherein he shall from time to time enter each second-hand article bought, sold, or exchanged, the date of the transaction, and, in case of any second-hand article bought by him or received by him in exchange, the name, residence, and calling of the person from whom he bought or received it.	15
License to be produced on demand.	(2.) Every such entry shall be made on the date when the transaction takes place.	20
Restrictions as to purchase of goods.	9. Every licensee under this Act shall at all reasonable times, on demand at his shop or place of business, produce his license to any constable or other member of the Police Force, and permit him to inspect such shop or place of business, the goods therein, and also the above-mentioned book.	25
Penalties.	10. It shall not be lawful for any licensee under this Act, by himself or by any other person, to purchase or receive any second-hand goods before the hour of eight in the morning or after the hour of six in the evening, nor at any time from any person apparently under the age of sixteen years.	30
Cancellation of licenses.	11. If any person fails to comply with any of the provisions of this Act he commits an offence, and is liable to a penalty not exceeding <i>five</i> pounds, and in the case of a continuing offence to a further penalty not exceeding <i>five</i> pounds for every day after the first during which such offence continues.	35
Payment of compensation or otherwise.	12. (1.) In all proceedings against a licensee under this Act for any such offence the Court when convicting him may, in addition to imposing the penalty, cancel the license by memorandum to that effect signed by the convicting Justice, whereupon all the rights and privileges of the licensee under the said license shall absolutely cease and determine.	40
	(2.) In every case where a license is cancelled by the Court, the Clerk of the Court shall forward a notice of such cancellation to the Clerk of the local authority by which it was granted, and he shall record such cancellation.	45
	<i>Struck out.</i>	
	13. It shall be lawful for a Stipendiary Magistrate or any two or more Justices of the Peace to order that any goods unlawfully sold or exchanged which shall be brought before them, and the ownership of which shall be established to the satisfaction of such Magistrate or Justices of the Peace, shall be delivered up to the owner by the party with whom they were so unlawfully sold or exchanged, either without compensation or with such compensation to the party in question as the said Magistrate or Justices may deem fit.	50 55

11/17/3

14. All fees paid and penalties recovered under this Act shall belong to the local authority within which such fees and penalties are paid and recovered. Disposal of fees and penalties.

Struck out.

5 15. Nothing in this Act shall apply to licensed auctioneers or to persons who deal exclusively in second-hand books or manuscripts. Exemptions from Act.
16. No person carrying on the business of a paper-manufacturer shall be required to take out a license under this Act. Paper-manufacturers exempted.

New clauses.

10 16A. Where the ownership of any goods brought before the Court, and which have been unlawfully sold or exchanged, is established to the satisfaction of the Court, it may order that such goods shall be delivered up to the owner either without compensation or with such compensation to the person to whom they were so unlawfully sold or exchanged as the Court deems fit. Disposal of recovered goods.

15 16B. The Minister of Justice may from time to time, by warrant, exempt from the provisions of this Act relating to licenses any person or class of persons to whom the Minister is satisfied such provisions should not apply. Exemption as to licenses.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

APPLICATION FOR LICENSE.

Under "The Second-hand Dealers Act, 1902."

To the [*Here insert name of local authority*], I, A. B. [*State occupation*], now residing at _____, hereby apply for a license to carry on the business of a second-hand dealer. My shop or place of business is situated at [*Describe distinctly its situation*], and I intend to keep it as a second-hand dealer's shop.

Dated at _____, this _____ day of _____, 19 _____.

(*Signature.*)

CERTIFICATE IN SUPPORT OF APPLICATION FOR LICENSE.

Under "The Second-hand Dealers Act, 1902."

~~We I~~, the chief officer of police in the _____, ~~and the undersigned householders residing in such district~~, hereby certify that the above A. B. is a person of good fame and reputation, and fit and proper to be licensed as a second-hand dealer.

(*Signatures.*)

SECOND SCHEDULE.

LICENSE.

Under "The Second-hand Dealers Act, 1902."

THE [*Name of local authority*], being satisfied that A. B. is a person of good character, and having received the license fee of ~~ten~~ five shillings, hereby authorises him to carry on the business of a second-hand dealer, his shop or place of business [*Describe it*] being situated within this district. This license is granted subject to the provisions of "The Second-hand Dealers Act, 1902," and, unless sooner cancelled, continues in force for the period of twelve months from the date hereof, but may be renewed from year to year, if the [*Name of local authority*] thinks fit, on payment of a fee of ten shillings for each yearly renewal.

Granted at _____, this _____ day of _____, 19 _____.

C. D., Mayor [*or Chairman*].

E. F., Clerk.