

Mr. W. Hutchison.

SECOND-HAND DEALERS LICENSING.

ANALYSIS.

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A BILL INTITULED

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

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 Licensing Act, 1895."

2. Every one who shall carry on business or seek his livelihood by the purchase, sale, or exchange of second-hand articles, goods, and chattels, shall be deemed a second-hand dealer within the meaning of this Act.

Second-hand furniture and second-hand clothes purchased in quantities at the sellers' houses are exempted from the operation of this Act.

3. From and after the commencement of this Act it shall not be lawful for any person, not being the holder of a license under this Act, to carry on the trade or business of a second-hand dealer.

Any person who, without having first obtained such license, shall carry on such trade or business shall be liable on summary conviction to a penalty not exceeding ten pounds.

4. Any person wishing to obtain a license under this Act shall deliver to the Clerk of the Borough or the Clerk of the County Council, or other local authority, as the case may be, within which he intends to carry on such business, an application in the form of the First Schedule hereto, or to the like effect, and recommended by the Inspector of Police of the district and three householders in the borough or county in which the applicant may apply.

The Council of the borough or county, as the case may be, if satisfied with the character of the person so applying, may grant a

license in the form of the *Second Schedule* hereto, which license shall continue in force for one year from the date thereof, and shall be delivered to the person so applying therefor on payment of the sum of pounds.

Regulations as to purchase of goods.

5. Second-hand dealers shall not personally, or by any other person, purchase or receive any second-hand goods before the hour of nine in the morning nor after the hour of six in the evening, and in no case from any person apparently under the age of sixteen years; nor shall those licensed dealers employ any servant or any other person under the age of sixteen years to purchase or receive second-hand goods of any description. 5

Alphabetical record to be kept.

6. The Clerk of the borough or county by which such licenses are granted shall keep an alphabetical record thereof.

Name of licensee to be displayed.

7. Every person who shall hold a license under this Act shall have his name in full, painted in legible characters at least two inches long, with the words "licensed second-hand dealer," so as constantly and permanently to be seen and read over the door of each shop or place by him kept or used for carrying on the business aforesaid. 15

Penalty.

Any person who shall fail or neglect to comply with this provision shall be liable on summary conviction to a penalty not exceeding five pounds. 20

Penalty for displaying sign where no license held.

8. If any person not actually holding a license under this Act shall keep up any sign, writing, or other mark on or near his shop, house, or premises which may imply or give reasonable cause to believe that such shop, house, or premises is or are the shop, house, or premises of a licensed second-hand dealer, shall be liable on summary conviction to a penalty not exceeding five pounds, and on a second conviction to a penalty not exceeding five pounds for every day he shall so offend. 25

License to be produced on demand.

9. Every person holding a license under this Act shall at all reasonable times, on demand at his shop or premises whereat such license shall be exercised, produce his license to any constable, who is hereby authorised to visit all such shops or premises and inspect the goods therein. And if any second-hand dealer shall neglect or refuse to produce his license, or afford all reasonable information regarding the goods in his possession, he shall be liable on summary conviction to a penalty not exceeding five pounds, unless some reasonable excuse can be given for the non-production thereof to the satisfaction of the Stipendiary Magistrate or other Magistrates hearing the case. 30

Register of articles bought or sold to be kept.

10. Every second-hand dealer shall keep a book wherein he shall enter each article bought or sold, the date of such purchase or sale, and, in case of any article bought by him, the name, residence, and calling of the seller, and shall obtain the signature of the seller to such entry. Such book shall be open to police inspection. 40

If any second-hand dealer shall fail or neglect to keep such book, or to enter therein the particulars required to be entered as aforesaid, he shall be liable on summary conviction to a penalty not exceeding ten pounds. 45

Cancellation of licenses.

11. If by information on oath it shall be made to appear to the Stipendiary Magistrate that any second-hand dealer has been guilty of any fraud or dishonesty in his business, or has been guilty of any 50

offence under this Act, and which fraud, dishonesty, or offence shall, in the opinion of the Magistrate, show such second-hand dealer to be an unfit person to carry on the business of a second-hand dealer, then such Magistrate may, in his discretion, and independently of any other

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penalty or penalties to which such second-hand dealer may be liable by reason of such offence, absolutely deprive such second-hand dealer of his license: Provided that such second-dealer may appeal from the decision of such Magistrate, as provided by "The Justices of the Peace Act, 1882."

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12. All fees paid and fines recovered under this Act shall belong to the borough or county within which such fees and fines are paid and recovered.

Fees and fines to belong to borough or county.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

To the Council of I, A.B. [State occupation], now residing at , hereby apply for a license to carry on the business of a second-hand dealer in the house and premises situated at [Describe the house proposed to be licensed], and which I intend to keep as a second-hand dealer's shop.

Dated at , this day of , 189 .

(Signature.)

WE, the Inspector of Police of the district, and the undersigned householders, residing in the Borough [or County] of , 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.

THE Borough [or County] Council of , being satisfied that A.B. is a person of good fame and reputation, hereby authorise him to carry on the trade of second-hand dealer in the house and premises [Describe them], and not elsewhere; and this license shall continue in force for the period of twelve months from the date hereof, and no longer.

Granted at , this day of , 189 .

Registered.

E.F., Clerk.

(L.S.)