

**1962/42**

*Reprint under section 7 of the Regulations Act 1936 of the Moneylenders Regulations 1934 (Gazette, 1934, Vol. I, p. 438).*

## THE MONEYLENDERS REGULATIONS 1934 (REPRINT)

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 BLEDISLOE, Governor-General

PURSUANT to section 5 of the Moneylenders Act 1908 (hereinafter called "the principal Act"), and section 15 of the Moneylenders Amendment Act 1933 (hereinafter called "the Amendment Act"), His Excellency the Governor-General doth hereby make the regulations hereinafter set out.

### REGULATIONS

1. These regulations may be cited as the Moneylenders Regulations 1934, and shall come into force on the day following the publication thereof in the *Gazette*.

2. The regulations enuring under the principal Act and made on the 6th day of January 1902, and published in the *Gazette* on the 9th day of January 1902 at page 14, are hereby revoked.

3. In these regulations "private address" means residential address.

4. There shall be kept by [the Registrar] of every Magistrate's Court a register in the form No. 1 in the Schedule hereto, to be known as the "Register of Moneylenders".

The reference to the Registrar was substituted for a reference to the Clerk by s. 12 (4) of the Magistrates' Courts Act 1947.

5. The following matters shall be recorded in the register:

- (a) Particulars of every licence granted, and of all renewals thereof, abandonments of registered addresses, additional registered addresses, and surrenders:
- (b) Particulars of any convictions recorded against the moneylender and particulars of any suspension or cancellation of registration or disqualification imposed upon the moneylender or any person responsible for the management of the moneylending business carried on by a convicted moneylender pursuant to section 5 of the Amendment Act:
- (c) Any particulars directed by a Court to be endorsed on a licence pursuant to subsection (2) of section 14 of the Amendment Act.

6. Every cancellation or suspension of registration of a moneylender shall be forthwith notified to the Under-Secretary of Justice by [the Registrar] whose duty it is to make an entry thereof in the register.

The reference to the Registrar was substituted for a reference to the Clerk of Court by s. 12 (4) of the Magistrates' Courts Act 1947.

The reference to the Under-Secretary of Justice should now be read as a reference to the Secretary for Justice.

7. Every application for registration of a moneylender under the principal Act, or for a renewal thereof, shall be made in writing in the form No. 2 in the Schedule hereto, and shall be so made in duplicate.

8. The application shall be signed or executed by the moneylender, or, where the business is carried on by a society or corporate body, may be signed by the secretary or other person responsible for the management thereof, or, where the business is carried on by a firm, by one of the partners thereof.

9. Where the business is carried on by a partnership firm there shall be stated in the application, in addition to the name under which it is proposed to carry on business, the names, addresses, and occupations of all the partners other than special partners of a special partnership under Part II of the Partnership Act 1908.

10. In the case of a society or corporate body not required by law to have a registered office, there shall be stated in the application the principal office or place of business of the society or body or the address at which notices may be served thereon.

11. In the case of a corporate body there shall be stated in the application the name of the Act of Parliament or particulars of the charter by or under which incorporation was effected.

12. Both copies of the application shall be lodged at the Magistrate's Court nearest by the most convenient route to the place named in the application as the place of business or the principal place of business of the moneylender, or, where the application is for renewal of registration, at the Magistrate's Court out of which the original licence was issued.

13. The application for registration shall be accompanied by testimonials signed by not less than five reputable persons as to (a) the good character of the moneylender, or (as the case may be) of every partner in the moneylending firm, or, in the case of a society or corporate body, of the persons proposed to be made responsible for the management thereof, and (b) the fitness to hold a licence of the moneylender or of every partner in the moneylending firm or of every person proposed to be made responsible for the management of the business.

14. Notice in the form No. 3 in the Schedule hereto of every application for registration under the said Act shall be published by the applicant twice at least in some newspaper to be approved for that purpose by [the Registrar] of the Court at which the application for

registration is lodged, and the application for registration shall not be considered before the expiry of one month after the first publication of such notice.

The reference to the Registrar was substituted for a reference to the Clerk by s. 12 (4) of the Magistrates' Courts Act 1947.

15. One of the copies of every application for registration of a moneylender or for renewal thereof shall be forthwith forwarded by [the Registrar] to the nearest police officer, who shall procure a report thereon to be forwarded for the Magistrate's information and guidance.

The reference to the Registrar was substituted for a reference to the Clerk of Court by s. 12 (4) of the Magistrates' Courts Act 1947.

16. An application for the renewal of registration of a moneylender under the said Act may be lodged not earlier than the 1st day of January and not later than the last day of February preceding the date of the expiry of the registration:

Provided that the Magistrate may, in his discretion, consider any application for a renewal of registration lodged not later than the date of expiry of the registration, notwithstanding that such application may not have been lodged within the times limited by this regulation.

17. The provisions of regulations 13 and 14 hereof shall not apply to applications for renewal of registration, unless the Magistrate in any case otherwise directs:

Provided that if the name of any person (other than owner or partners) responsible or proposed to be responsible for the management of a business appears for the first time as such in an application for renewal of registration, then the application shall, without the need of the Magistrate's direction, be accompanied by testimonials relating to such person as prescribed by regulation 13 hereof.

18. Any person may, at any time before the hearing of the application, object to registration of a moneylender, or to renewal of such registration, upon any of the grounds set out in section 4 of the Amendment Act, provided that notice of such objection and of the grounds thereof is lodged in the Court in which the application is lodged.

19. When a Magistrate directs registration to be made or renewed, [the Registrar] shall forthwith make the proper entry in the Register of Moneylenders, and shall issue to the moneylender a licence on the printed form provided, in the form No. 4 in the Schedule hereto.

The reference to the Registrar was substituted for a reference to the Clerk of Court by s. 12 (4) of the Magistrates' Courts Act 1947.

20. The fee required by section 2 of the Amendment Act to be paid by the applicant at the time of making his application for registration or renewal shall be paid by [the Registrar] into his Law Trust Account pending disposal of the application. If the application is

refused, such fee shall be returned to the applicant; and, if the application is granted, the fee shall be transferred to the Public Account, and the bank receipt forwarded to the Under-Secretary of Justice, together with a duplicate copy of the licence.

The reference to the Registrar was substituted for a reference to the Clerk of Court by s. 12 (4) of the Magistrates' Courts Act 1947.

The reference to the Under-Secretary of Justice should now be read as a reference to the Secretary for Justice.

21. Where a licence is issued in respect of more than one registered address, a certified copy (on the printed licence form mentioned in regulation 19) shall be issued in respect of each registered address other than the principal office of business of the moneylender. Every such copy shall be certified as follows:

“Certified true copy of Licence No. ....  
 ....., [Registrar].”

The reference to the Registrar was substituted for a reference to the Clerk of Court by s. 12 (4) of the Magistrates' Courts Act 1947.

22. Application for registration of a new address shall be made in writing to [the Registrar] of the Court out of which the licence was issued, and the original licence shall be produced by the applicant. [The Registrar] shall, upon payment of the requisite fee, note the new address on the licence, and shall issue a certified copy thereof in the prescribed form. The fee shall be dealt with as directed in regulation 20 hereof.

The references to the Registrar were substituted for references to the Clerk by s. 12 (4) of the Magistrates' Courts Act 1947.

23. Where a moneylender ceases to carry on his business at any registered address and applies to the Minister of Justice for a refund of portion of the licence fee, as provided in the Amendment Act, the licence and certified copy (if any) issued for exhibition at the address in respect of which the refund is claimed shall be surrendered to [the Registrar] of the Court out of which the licence was issued, who, if the refund is made, shall cancel such licence, or, if the case so requires, cancel such certified copy and make an appropriate endorsement on the original licence.

The reference to the Registrar was substituted for a reference to the Clerk by s. 12 (4) of the Magistrates' Courts Act 1947.

24. A list of the names of all persons holding moneylenders' licences as on a date to be therein specified, together with such other relevant particulars in the respective registers, as the Minister of Justice thinks fit, shall be published in the *Gazette* during the month of May of each year. Supplementary lists may be published in like manner as the Minister may from time to time direct.

25. Any person shall be entitled to inspect the entries in the Register of Moneylenders upon payment of the sum of 1s. On payment of a further fee of 2s. 6d. any person shall, on demand, be furnished with a copy of any entry in the said register, certified by [the Registrar] of the Court. Such fees shall be affixed in stamps to the search book kept by [the Registrar].

The references to the Registrar were substituted for references to the Clerk by s. 12 (4) of the Magistrates' Courts Act 1947.

## SCHEDULE

Form No. 1

## REGISTER OF MONEYLENDERS

Number of First Licence	Date of Registration	Name Under Which the Business is Carried on	Name and Private Address of Moneylender (Including Every Member of Money-lending Firm)	Registered Addresses [Indicate Principal Place of Business]	Dates of Renewal of Registration and Number of New Licence	Abandonment of Address or Additional Addresses (With Date)

Form No. 2

## APPLICATION FOR REGISTRATION AS A MONEYLENDER

In the matter of the Moneylenders Act 1908.

APPLICATION is hereby made for registration [or for renewal of the registration] under the Moneylenders Act 1908 of the moneylender named hereunder. I tender herewith the prescribed licence fee of £..... [and attach testimonials as to character and fitness to be registered (Not required in the first instance in case of application for renewal)].

The following particulars are supplied:

1. Name under which it is proposed to carry on business as a money-lender:
2. Address of principal place of business:
3. Addresses other than principal place of business at which it is proposed to carry on business:
4. (a) [In case of an individual] True name and private address of the moneylender:  
 (b) [In case of a firm] True name and private address of every partner:  
 (c) [In case of a society or corporate body] True name and address of registered office of society or corporate body:  
 (d) [In case of a corporate body] Act of Parliament, etc., by or under which incorporation was effected:
5. Name of person or persons (other than owner or partners) responsible or proposed to be responsible for the management of the business [In the case of a company the names of the directors, treasurer, and secretary should be given]:
6. If the moneylender or any partner in the moneylending firm be already registered under the Act, date of registration and number of licence:
7. If the moneylender or any partner in the moneylending firm has been previously registered under the Act, the date and place of such registration and reason for non-renewal of registration:

SCHEDULE—*continued*

8. Particulars of every conviction at any time under the Money-lenders Act 1908, or any amendment thereof, of the money-lender or any partner in the moneylending firm or any person responsible or proposed to be responsible for the management of the business:
9. Particulars of any order at any time made under section 5 of the Moneylenders Amendment Act 1933 suspending or cancelling any registration of, or disqualifying from being registered, the moneylender or any partner in the moneylending firm or any person responsible or proposed to be responsible for the management of the business:
10. Particulars of any refusal of registration of the moneylender, or any partner in the moneylending firm, or any person responsible or proposed to be responsible for the management of the business:
11. Particulars at any time ordered by a Court under section 14 of the Moneylenders Amendment Act 1933 to be endorsed on a licence of the moneylender or any partner in the moneylending firm.

I certify the above particulars to be true and correct in every particular, and that I am duly authorised to make this application.

[Signed]

[Dated]

Form No. 3

FORM OF NOTICE OF APPLICATION FOR REGISTRATION AS A  
MONEYLENDER

NOTICE is hereby given that an application has been lodged at the Magistrate's Court at <sup>(1)</sup>..... for registration of <sup>(2)</sup>..... as a moneylender under the Moneylenders Act 1908. It is proposed to carry on business at <sup>(3)</sup>..... [<sup>(4)</sup> being the principal place of business, and also at the following address (es): <sup>(5)</sup>.....].

The full name and address of the moneylender are <sup>(6)</sup>.....:

The full names of the partners in the moneylending firm are <sup>(7)</sup>.....:

The application will be heard at the above-named Court after the expiry of one month from the ..... day of ..... 19....., being the date of the first publication of this notice.

(1) Name of place at which Magistrate's Court is held.

(2) Name under which it is proposed to carry on business.

(3) Exact address of sole or principal place of business including street number, if any.

(4) To be used if there are more places of business than one

(5) Exact address or addresses including street number, if any.

(6) To be used in the case of an individual society or corporate body. In the case of an individual his private address is to be given.

(7) To be used in the case of a partnership firm.

SCHEDULE—*continued*

Form No. 4

No.

## LICENCE TO CARRY ON BUSINESS AS A MONEYLENDER

Magistrate's Court,.....

In pursuance of the provisions of the Moneylenders Act 1908 [*Registered name under which business is to be carried on*], being registered under the said Act, is [are] hereby licensed to carry on business as a moneylender from the ..... day of....., until the 31st day of March 19..... The partners of the firm are: [*Specify name of each partner in case of partnership firm*].

Pursuant to this licence, the licensee may carry on business at....., being his [their] [its] principal place of business, and also at the following registered addresses:

Given under my hand at ....., this ..... day of ..... 19.....

....., [Registrar].

The reference to the Registrar was substituted for a reference to the Clerk of Court by s. 12 (4) of the Magistrates' Courts Act 1947.

As witness the hand of His Excellency the Governor-General, this 16th day of February 1934.

JOHN G. COBBE, Minister of Justice.

*Certified for the purposes of section 7 of the Regulations Act 1936 this 14th day of March 1962.*

J. R. HANAN, *Attorney-General*.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 February 1934.

These regulations are administered in the Department of Justice.