

SECOND-HAND DEALERS AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

THE main objects of this Bill are to amend the principal Act of 1908 as from 1st April, 1935,—

- (a) By bringing within the scope of that Act itinerant second-hand dealers and persons purchasing second-hand articles for the purpose of manufacturing other articles therefrom; and
- (b) By transferring from local authorities to Magistrates the function of issuing second-hand dealers' licenses.

Until 31st March next licenses will as heretofore be issued by local authorities, but all such licenses will expire at the close of that day.

Every license issued by a Magistrate will, unless sooner cancelled or forfeited, cease to have effect at the close of the 31st day of March next following the day on which it is expressed to take effect. At present every license runs for one year from the day on which it is issued.

The clauses of the Bill other than those necessary to achieve the main objects as mentioned above effect such amendments of the principal Act as have been found necessary in the course of administering that Act.

Hon. Mr. Cobbe.

SECOND-HAND DEALERS AMENDMENT.

ANALYSIS.

Title.	
1. Short Title.	6. Second-hand dealers to retain articles for one month before disposing of same.
2. Section 2 of principal Act amended.	7. Section 8 of principal Act amended.
3. Duration of second-hand dealers' licenses granted under section 4 of principal Act before 1st April, 1935.	8. License to be produced on demand. Repeal.
4. Second-hand dealers' licenses in respect of periods after 31st March, 1935.	9. Cancellation of second-hand dealer's license. Repeal.
5. Consequential repeals.	10. Forfeiture of licenses in certain cases where business carried on in licensee's absence.
	11. Section 13 of principal Act amended.
	12. Penalties for offences. Schedule.

A BILL INTITULED

AN ACT to amend the Second-hand Dealers Act, 1908. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority

5 of the same, as follows:—

1. This Act may be cited as the Second-hand Dealers Amendment Act, 1934, and shall be read together with and deemed part of the Second-hand Dealers Act, 1908 (hereinafter referred to as the principal Act). Short Title.

10 2. (1) Section two of the principal Act is hereby amended by omitting from the definition of the term "Second-hand dealer" all words after the words "purchasing, selling, or exchanging second-hand articles". See Reprint of Statutes, Vol. VIII, p. 182

(2) This section shall come into force on the first 15 day of April, nineteen hundred and *thirty-five*. Section 2 of principal Act amended.

Duration of second-hand dealers' licenses granted under section 4 of principal Act before 1st April, 1935.

Second-hand dealers' licenses in respect of periods after 31st March, 1935.

3. Every second-hand dealer's license granted under section four of the principal Act, and in force on the thirty-first day of March, nineteen hundred and thirty-five, shall cease to have effect at the close of that day unless application for a license under the *next succeeding* section has then been duly made and has not been disposed of, in which case it shall continue in force until such application is granted or refused. 5

4. (1) Every application for a second-hand dealer's license under the principal Act to take effect at any time after the *thirty-first* day of March, nineteen hundred and *thirty-five*, shall be in the form numbered (1) in the Schedule hereto, and 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 proposed place of business of the applicant, or to the residence of the applicant where he is an itinerant dealer having no settled place of business. 10 15

(2) Where any person proposes to carry on business as a second-hand dealer at more than one settled place of business he shall make separate application for a second-hand dealer's license in respect of each such place, but all such applications shall be lodged at the same Magistrate's Court which shall be the Court nearest by the most convenient route to his residence in any case where, if such several applications were made by different persons, they would, pursuant to the *last preceding* subsection, be lodged at different Courts. 20 25

(3) Every such application shall be dealt with by a Stipendiary Magistrate exercising jurisdiction in the Magistrate's Court at which it is lodged. 30

(4) The Magistrate, if satisfied that the foregoing provisions of this section have been complied with and that the applicant is a fit and proper person to be the holder of a second-hand dealer's license, shall, on payment of a fee of *five* shillings in respect of each license, or a fee of *ten* shillings where the license is in respect of both a settled place of business and itinerant dealing, issue such a license or licenses to the applicant: 35

Provided that where two or more applications for licenses are made by the same person the Magistrate shall issue a license or licenses in respect only of the place or places where he is satisfied that the carrying on of his business can be effectively supervised by the applicant. 40 45

(5) The Magistrate may, in his discretion, accept, as sufficient evidence of the applicant being a fit and proper person as aforesaid, a certificate in the form numbered (2) in the Schedule hereto from the Chief
5 Officer of Police in the locality in which is situated the applicant's place of business or proposed place of business, or, in the case of an itinerant dealer, his place of residence.

(6) Every second-hand dealer's license shall be in
10 the form numbered (3) or the form numbered (4) or the form numbered (5) in the Schedule hereto, as the case may require, and shall take effect according to the tenor and subject to the conditions of the license. Where
15 more than one license is issued to any person there shall be endorsed on each such license a note of every other such license.

(7) Every second-hand dealer's license shall, unless sooner cancelled, cease to have effect at the close of the
20 thirty-first day of March next following the day on which it is expressed to take effect.

(8) The Clerk of the Magistrate's Court at which any second-hand dealer's licenses are issued under this section shall, in such form as may from time to time be prescribed by the Governor-General by Order in Council
25 in that behalf, keep a register of all such licenses.

(9) Where the holder of a second-hand dealer's license changes any place of business in respect of which he holds a license or, being an itinerant dealer, changes
30 his residence or extends the area within which he carries on business, he shall forthwith give notice of such change or extension to the Clerk of the Court, who shall note such change in the register.

5. (1) Sections four, five, and six of, and the Second Schedule to, the principal Act are hereby repealed. Consequential repeals.

35 (2) This section shall come into force on the *first* day of April, nineteen hundred and *thirty-five*.

6. (1) Every holder of a second-hand dealer's license who acquires any second-hand article by way of purchase or exchange shall retain the same in his possession for
40 one month before disposing of it or in any way altering its condition or appearance. Second-hand dealers to retain articles for one month before disposing of same.

(2) This section shall apply to all such articles acquired before and in the possession of second-hand dealers at the passing of this Act.

Section 8 of
principal Act
amended.

7. Section eight of the principal Act is hereby amended as follows:—

(a) By adding to subsection two the words “and shall be given a number, and a corresponding number shall forthwith be affixed to the article to which such entry relates, and, at all times while it remains in his possession, shall be kept affixed to such article” : 5

(b) By adding the following subsection:—

“(3) The Governor-General may from time to time, by Order in Council, prescribe the form in which such book as aforesaid shall be kept.” 10

License to be
produced on
demand.

8. (1) Every holder of a second-hand dealer's license shall at all reasonable times on demand at his shop or place of business, or, in the case of an itinerant dealer, on demand at his residence or wherever he may be for the time being in the course of his business, produce his license to any constable and permit such constable to inspect such shop or place of business, or any other place where articles acquired by him in the course of his business are for the time being kept, and to inspect all such articles in his possession and the book required by section eight of the principal Act to be kept by him. 15 20

Repeal.

(2) This section is in substitution for section nine of the principal Act, and that section is hereby accordingly repealed. 25

(3) This section shall come into force on the *first* day of April, nineteen hundred and *thirty-five*.

Cancellation of
second-hand
dealer's license.

9. (1) Where the holder of a second-hand dealer's license is convicted of any offence under this Act or the principal Act, or of any offence punishable under any other Act by imprisonment, the Court may, in addition to any other penalty, cancel such license and any other second-hand dealer's license held by him, and shall cause notification of such cancellation to be sent to the Clerk of the Court at which any such license was issued. 30 35

(2) Where any license is cancelled as aforesaid it shall forthwith be returned by the holder to the Clerk of the Court at which it was issued. 40

Repeal.

(3) This section is in substitution for section twelve of the principal Act, and that section is hereby accordingly repealed.

(4) This section shall come into force on the *first* day of April, nineteen hundred and *thirty-five*.

5 10. The holder of a second-hand dealer's license issued under section *four* hereof who permits any person to manage, superintend, or conduct his business as a second-hand dealer under such license during his absence for a longer period than fourteen days without the previous approval, endorsed on such license, of a Stipendiary Magistrate exercising jurisdiction in the Court at which
10 the license was issued, shall be deemed to have forfeited such license at the close of such fourteen days and shall be liable to a fine of *five* pounds for every day on which such business is carried on after such forfeiture.

Forfeiture of licenses in certain cases where business carried on in licensees' absence.

15 11. (1) Section thirteen of the principal Act is hereby amended by omitting all words after the word "shall", and substituting the words "be paid into the Public Account to the credit of the Consolidated Fund".

Section 13 of principal Act amended.

20 (2) Notwithstanding anything contained in the said section thirteen, as amended by the *last preceding* subsection, all license fees paid to local authorities after the passing of this Act in respect of second-hand dealers' licenses issued by such local authorities before the *first* day of April, nineteen hundred and *thirty-five*, shall be disposed of as if the said section thirteen had not been
25 amended by this section.

12. (1) Section eleven of the principal Act shall apply with respect to any failure by any person to comply with any of the provisions of this Act or any condition of any license issued under section *four* hereof.

Penalties for offences.

30 (2) Every person who makes any statement in any application for a second-hand dealer's license knowing the same to be false in any particular commits an offence and is liable on summary conviction to a fine of *fifty* pounds or to imprisonment for *three* months, or
35 to both such fine and imprisonment.

Schedule.

SCHEDULE.

(1) APPLICATION FOR LICENSE.

Under the Second-hand Dealers Act, 1908.

To the Clerk of the Magistrate's Court at

I, A.B., 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*], [*Or where applicant is an itinerant dealer having no settled place of business*] I have no settled place of business and intend carrying on business as an itinerant second-hand dealer within [*State area within which business is to be carried on*].

I intend carrying on business solely as a second-hand dealer, or as a second-hand dealer in conjunction with my business as [*State nature of other business*], or I intend carrying on business both at the above described shop or place of business and as an itinerant dealer within [*State area within which business is to be carried on*].

I have not in the past been refused a second-hand dealer's license [*If previous application refused state when and by whom and whether it was applicant's last application or an earlier one*].

I have not in the past been convicted of an offence mentioned in section 9 of the Second-hand Dealers Amendment Act, 1934 [*If convicted state date of conviction, nature of offence, and whether or not the second-hand dealer's license (if any) then held by applicant was cancelled*].

Dated at _____, this _____ day of _____, 19 ____ .
[Signature.]

(2) CERTIFICATE IN SUPPORT OF APPLICATION FOR LICENSE.

Under the Second-hand Dealers Act, 1908.

I, THE CHIEF OFFICER OF POLICE in [*Name of locality*], hereby certify that A.B. is a person of good fame and reputation, and fit and proper to be licensed as a second-hand dealer.

(3) LICENSE.

Under the Second-hand Dealers Act, 1908.

(For a Dealer having a Settled Place of Business.)

In the Magistrate's Court at _____

IN pursuance of the provisions of the above-mentioned Act, as amended by the Second-hand Dealers Amendment Act, 1934 [*Name in full and address*], is hereby licensed to carry on business as a second-hand dealer from the _____ day of _____, 19 ____, until the 31st day of March, 19 ____, both days inclusive, unless this license is sooner cancelled or forfeited.

Pursuant to this license the licensee may carry on business at [*Specify place of business mentioned in application*], or at any other place instead of that place after giving to the Clerk of this Court notice of his intention so to do.

Given under my hand and the seal of the Court at _____, this _____ day of _____, 19 ____ .

Stipendiary Magistrate.

(4) LICENSE.

Under the Second-hand Dealers Act, 1908.

(For an Itinerant Dealer.)

In the Magistrate's Court at .

IN pursuance of the above-mentioned Act, as amended by the Second-hand Dealers Amendment Act, 1934 [*Name in full and address*], is hereby licensed to carry on business as an itinerant second-hand dealer from the day of , 19 , until the 31st day of March, 19 , both days inclusive, unless this license is sooner cancelled or forfeited.

Pursuant to this license the licensee may, subject to the under-mentioned condition, carry on business within [*Specify area mentioned in application*], or within any other area in addition to that area after giving to the Clerk of this Court notice of his intention so to do.

This license is issued subject to the condition that the licensee shall, before at any time carrying on his business in any locality within the area to which, for the time being, this license relates, notify the Chief Officer of Police in charge of that locality of his presence therein, or his intention to proceed thereto, for the purposes of his business.

Given under my hand and the seal of the Court at , this day of , 19 .

Stipendiary Magistrate.

(5) LICENSE.

Under the Second-hand Dealers Act, 1908.

(For a Dealer carrying on Business at a Settled Place and also as an Itinerant Dealer.)

In the Magistrates' Court at .

IN pursuance of the above-mentioned Act, as amended by the Second-hand Dealers Amendment Act, 1934 [*Name in full and address*], is hereby licensed to carry on business as a second-hand dealer from the day of , 19 , until the 31st day of March, 19 , both days inclusive, unless this license is sooner cancelled or forfeited.

Pursuant to this license, the licensee may carry on business at [*Specify place of business mentioned in application*], or at any other place instead of that place, after giving to the Clerk of this Court notice of his intention so to do, and the licensee may also carry on business as an itinerant dealer within [*Specify area mentioned in application*], or within any other area in addition to that area, after giving to the Clerk of this Court notice of his intention so to do.

This license is issued subject to the condition that the licensee, before at any time carrying on business as an itinerant dealer in any locality within the area to which, for the time being, this license relates, shall notify the Chief Officer of Police in charge of that locality of his presence therein, or his intention to proceed thereto, for the purposes of his business.

Given under my hand and the seal of the Court at , this day of , 19 .

Stipendiary Magistrate.