

**NOTICE 2017 OF 2003**

A draft Second-Hand Goods Bill and Regulations are hereby published for general information and comment from interested parties

Any comment must be submitted to the office of the Section Head: Legal Services, National Crime Operations, South African Police Service. The comment must reach the said office within ninety (90) days from date of publication at the following address:

For Attention:        Director J A van der Walt  
                              Legal Services: National Crime Operations  
                              S A Police Service  
                              Private Bag X241  
                              PRETORIA  
                              0001

## DEPARTMENT OF SAFETY AND SECURITY

## DRAFT SECOND-HAND GOODS BILL: DRAFT SECOND-HAND GOODS REGULATIONS

## REGULATIONS

1. **Definition**

In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear that meaning and, unless the context otherwise indicates -

"the Act" means the Second-Hand Goods Act, 200x (Act No. xx of 200x).

2. **Form of application**

An application for a certificate, as contemplated in subsection (1) of section *four* of the Act, shall in all cases be substantially in the form prescribed in Schedule A and completed in indelible black ink and submitted by hand to the client service centre at the police station in the area where the applicant intends to have or has his or her place of business.

3. **Application to be made before 1 November**

An application for a certificate, shall be made on or before 1 November of the year in which the certificate to be renewed, expires.

4. **Information and documents to accompany application**

The application shall be accompanied by such information and documentation as may be required in terms of Schedule A.

5. **Acknowledgement of receipt**

An acknowledgement of receipt shall be handed to the applicant if the application is complete and accompanied by the relevant documentation.

6. **Certificate**

The certificate issued to the applicant shall substantially be in the form prescribed in Schedule B and must be displayed in a manner visible to the public. In the case of a pawnbroker, the certificate issued in terms of the Act shall be displayed next to the certificate issued by the MFRC.

7. **Permanent change of address or circumstances**

(1) Where a permanent change occurs in the ordinary place of residence or business of the holder of a certificate, such holder of a certificate shall submit to the Station Commissioner of the police station in the area where he or she has his or her business, the notification of change of address on the applicable portion prescribed in Schedule A.

(2) Where a permanent change occurs in the information which the holder of a certificate submitted in respect of the application for the issuing of that certificate, such holder of a certificate shall submit to the officer in charge of the policing precinct in which he or she has his or her business the notification of change of circumstances on the applicable portion prescribed in Schedule A.

8. **Registers to be kept by dealers and pawnbrokers**

(1) The register of aquisition to be kept by dealers in terms of section *seven* of the Act, shall

substantially be in the form prescribed in Schedule C.

(2) The register of disposal to be kept by dealers in terms of section *seven* of the Act, shall substantially be in the form prescribed in Schedule D.

(3) The register of goods taken in pawn to be kept by pawnbrokers in terms of section *eight* of the Act, shall substantially be in the form prescribed in Schedule E.

9. **Notice of appeal**

Notice of an appeal, as contemplated in subsection (1) of section *six* of the Act, must be lodged at the police station where the application was refused

10. **Commencement**

These regulations shall come into operation with immediate effect.

SCHEDULE

“SCHEDULE A

APPLICATION IN TERMS OF SECTION 3 OF THE SECOND-HAND GOODS ACT, 200x (ACT NO xx OF 200x)

1. Full name of applicant.

---

---

2. Identity number of applicant. \_\_\_\_\_

3. If not a RSA citizen, passport number and country of issue. \_\_\_\_\_

---

---

4. Physical and postal address of applicant.

---

---

---

---

5. Telephone, cellular phone and fax numbers.

---

---

---

---

6. Name of business which will be trading under the certificate.

---

---

---

---

7. Address of premises where business will be conducted.

---

---

---

---

8. Full names, address and ID numbers of every person - excluding shareholders in public companies - who will have a financial interest in the business and/or directors and/or public officers and/or members and/or trustees (attach separate sheet of paper, if necessary).

---

---

---

---

9. Names, addresses and ID numbers of persons presently employed.

---

---

---

---

10. Full legal name of any other business being operated from the same business premises.

---

---

---

---

11. If a company, company registration number; If a closed corporation, closed corporation number; If a trust, trust registration number.

---

---

12. Applicant's income tax reference number, office to which returns were submitted and trading period for which the last assessment has been issued.

---

---

---

---

13. VAT reference number and office to which returns sent, if applicable.

---

---

14. PAYE reference number and office to which returns sent, if applicable.

---

15. Regional Council Services reference number and office to which returns sent. if applicable.

---

16. Particulars of previous convictions of those persons listed in 9 above, if any.

17. Is the applicant an unrehabilitated insolvent? \_\_\_\_\_

18. If so, state date and details of sequestration or liquidation.

---

---

19. Has applicant previously conducted business in second-hand goods? \_\_\_\_\_

20. If so, state where and specify period.

---

---

---

21. Description of goods applicant proposes to deal in and particulars of license, if any, held by applicant.

---

---

---

---

22. Give description of premises where business will be conducted and attach sketch plan.

---

---

---

---

23. Does premises comply with local authority by-laws regarding zoning and fire regulations?

---

24. Full address where articles and stock will be stored. if other than premises.

---

---

---

25. Name of police station nearest to proposed place of business and distance therefrom.

Place .....

Date .....

.....  
SIGNATURE OF APPLICANT

I certify that the above statement was taken by me and that the deponent has acknowledged that he/she knows and understands the contents of this statement. This statement was sworn to/affirmed before me and deponent's signature / mark / thumbprint was placed thereon in my presence.

At ..... on ..... at ..... : .....

.....  
Signature: Commissioner of Oaths

.....  
Full first names and surname in block letters

.....  
Business address (street address)

.....  
This portion is to be handed to the applicant as proof of handing in an application document

Officer in charge

.....  
Official stamp

Date .....

**"SCHEDULE B**

**CERTIFICATE UNDER SECTION 4(3) OF THE SECOND-HAND GOODS ACT, 200x (ACT NO. xx OF 200x)**

Under the provisions of section 4 of the Second-hand Goods Act, 200x (Act No xx of 200x), a certificate is hereby granted authorizing the under mentioned person to carry on business in connection with the specified classes or kinds of second-hand goods from date hereof up to 31 December .....

Name, Address and Identification number:

.....  
.....  
.....  
.....  
.....

Classes or kinds of second-hand goods in connection with which business will be carried on:

.....  
.....  
.....  
.....

Conditions of certificate

.....  
.....  
.....  
.....

Issued on ..... (date) at .....(place)  
by the Area Commissioner:.....(Area)"



"SCHEDULE C

REGISTER OF ACQUISITION OF SECOND-HAND GOODS IN TERMS OF SECTION 7(3) OF THE SECOND HAND GOODS ACT, 200X (ACT NO XX OF 200X)

(a)	(b)	(c)	(d)	(e)	(f)	(g)
<p>Name, address and identity number of the person from whom goods are acquired.</p> <p>Where such person is a dealer, his or her business address.</p> <p>If delivered by truck, the vehicle number plate number.</p>	<p>Date and time of acquisition of goods and of delivery thereof at dealer's premises.</p>	<p>Consideration given for goods.</p>	<p>Full description of goods, indicating the quantity and colour thereof, identification marks and distinguishing features thereon.</p> <p>Subject to column (g), the form in which any metals is acquired.</p>	<p>Number assigned to goods by the dealer at the time of acquisition.</p>	<p>Serial number on goods in the case of goods which normally bears a serial number.</p> <p>In the case of a motor vehicle, the engine, chassis and vehicle identification number (VIN) and number plate number.</p> <p>In the case of motor vehicle parts and accessories, any distinguishing features, markings or serial numbers as well as the vehicle identification number (VIN) of the vehicle of origin.</p>	<p>In the case of non-ferrous and precious metals -</p>

## "SCHEDULE C"

## REGISTER OF ACQUISITION OF SECOND-HAND GOODS IN TERMS OF SECTION 7(3) OF THE SECOND HAND GOODS ACT, 200X (ACT NO XX OF 200X)

(a)	(b)	(c)	(d)	(e)	(f)	(g)
<p>Name, address and identity number of the person from whom goods are acquired.</p> <p>Where such person is a dealer, his or her business address.</p> <p>If delivered by truck, the vehicle number plate number.</p>	<p>Date and time of acquisition of goods and of delivery thereof at dealer's premises.</p>	<p>Consideration given for goods.</p>	<p>Full description of goods, indicating the quantity and colour thereof, identification marks and distinguishing features thereon.</p> <p>Subject to column (g), the form in which any metals is acquired.</p>	<p>Number assigned to goods by the dealer at the time of acquisition.</p>	<p>Serial number on goods in the case of goods which normally bears a serial number.</p> <p>In the case of a motor vehicle, the engine, chassis and vehicle identification number (VIN) and number plate number.</p> <p>In the case of motor vehicle parts and accessories, any distinguishing features, markings or serial numbers as well as the vehicle identification number (VIN) of the vehicle of origin.</p>	<p>In the case of non-ferrous, and precious metals -</p>

SCHEDULE D

REGISTER OF DISPOSAL OF SECOND-HAND GOODS IN TERMS OF SECTION 7(3) OF THE SECOND HAND GOODS ACT, 200X (ACT NO XX OF 200X)

(a)	(b)	(c)	(d)	(e)	(f)	(g)
<p>Name, address and identity number of the person to whom such goods are disposed of.</p> <p>Where such person is a dealer, his or her business address.</p> <p>If delivered by truck, the vehicle number plate number.</p>	<p>Date and time of disposal of goods and of removal thereof from the dealer's premises.</p>	<p>Consideration received for goods.</p>	<p>Full description of goods, indicating the quantity and colour thereof, identification marks and distinguishing features thereon. Subject to column (g), the form in which any metals are disposed of.</p>	<p>Number assigned to goods by the dealer at the time of acquisition.</p>	<p>Serial number on goods in the case of goods which normally bears a serial number.</p> <p>In the case of a motor vehicle, the engine, chassis and vehicle identification number (VIN) and number plate number.</p> <p>In the case of motor vehicle parts and accessories, any distinguishing features, markings or serial numbers as well as the vehicle identification number (VIN) of the vehicle of origin.</p>	<p>In the case of non-ferrous, and precious metals—</p> <p>(i) the description and weight at the time of disposal; and</p> <p>(ii) the value per kilogram of consideration given for the non-ferrous, and precious metals at the time of its disposal by the dealer.</p>

SCHEDULE D

REGISTER OF DISPOSAL OF SECOND-HAND GOODS IN TERMS OF SECTION 7(3) OF THE SECOND HAND GOODS ACT, 200X (ACT NO XX OF 200X)

(a)	(b)	(c)	(d)	(e)	(f)	(g)
<p>Name, address and identity number of the person to whom such goods are disposed of.</p> <p>Where such person is a dealer, his or her business address.</p> <p>If delivered by truck, the vehicle number plate number.</p>	<p>Date and time of disposal of goods and of removal thereof from the dealer's premises.</p>	<p>Consideration received for goods.</p>	<p>Full description of goods, indicating the quantity and colour thereof; identification marks and distinguishing features thereon. Subject to column (g), the form in which any metals are disposed of.</p>	<p>Number assigned to goods by the dealer at the time of acquisition.</p>	<p>Serial number on goods in the case of goods which normally bears a serial number.</p> <p>In the case of a motor vehicle, the engine, chassis and vehicle identification number (VIN) and number plate number.</p> <p>In the case of motor vehicle parts and accessories, any distinguishing features, markings or serial numbers as well as the vehicle identification number (VIN) of the vehicle of origin.</p>	<p>In the case of non-ferrous, and precious metals –</p> <p>(i) the description and weight at the time of disposal; and</p> <p>(ii) the value per kilogram of consideration given for the non-ferrous, and precious metals at the time of its disposal by the dealer.</p>

**"SCHEDULE E**  
**REGISTER OF GOODS TAKEN IN PAWN IN TERMS OF SECTION 8(1) OF THE SECOND HAND GOODS ACT, 200X (ACT NO XX OF 200X)**

(a)	(b)	(c)	(d)	(e)	(f)	(g)
<p>Name, address and identity number of the person from whom such pawned goods are received.</p> <p>If delivered by truck, the vehicle number plate number.</p>	<p>Date and time of taking the goods in pawn.</p>	<p>Full description of the goods taken in pawn, indicating any identification marks and any other distinguishing features thereon and, in the case of metals, the type and form of such metals.</p>	<p>Number assigned to both the pawned goods and the relevant pawn ticket issued under section 10 in respect thereof.</p>	<p>Date and time the pawned goods are redeemed or otherwise disposed of.</p>	<p>Serial number on goods in the case of goods which normally bears a serial number.</p> <p>In the case of a motor vehicle, the engine, chassis and vehicle identification number (VIN) and number plate number.</p> <p>In the case of motor vehicle parts and accessories, any distinguishing features, markings or serial numbers as well as the vehicle identification number (VIN) of the vehicle of origin.</p>	<p>In the case of non-ferrous, and precious metals -</p>

## "SCHEDULE E

## REGISTER OF GOODS TAKEN IN PAWN IN TERMS OF SECTION 8(I) OF THE SECOND HAND GOODS ACT, 200X (ACT NO XX OF 200X)

(a)	(b)	(c)	(d)	(e)	(f)	(g)
<p>Name, address and identity number of the person from whom such pawned goods are received.</p> <p>If delivered by truck, the vehicle number plate number.</p>	<p>Date and time of taking the goods in pawn.</p>	<p>Full description of the goods taken in pawn, indicating any identification marks and any other distinguishing features thereon and, in the case of metals, the type and form of such metals.</p>	<p>Number assigned to both the pawned goods and the relevant pawn ticket issued under section 10 in respect thereof.</p>	<p>Date and time the pawned goods are redeemed or otherwise disposed of.</p>	<p>Serial number on goods in the case of goods which normally bears a serial number.</p> <p>In the case of a motor vehicle, the engine, chassis and vehicle identification number (VIN) and number plate number.</p> <p>In the case of motor vehicle parts and accessories, any distinguishing features, markings or serial numbers as well as the vehicle identification number (VIN) of the vehicle of origin.</p>	<p>In the case of non-ferrous, and precious metals -</p>