

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

Vol. 153]

KAAPSTAD, 15 MAART 1978

[No. 5922

CAPE TOWN, 15 MARCH 1978

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 489.

15 Maart 1978.

No. 489.

15 March 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No 18 van 1978: Wysigingswet op Tweedehandse Goed, 1978.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 18 of 1978: Second-hand Goods Amendment Act, 1978.

SECOND-HAND GOODS AMENDMENT ACT, 1978.

Act No. 18, 1978

GENERAL EXPLANATORY NOTE:

- [** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the provisions of the Second-hand Goods Act, 1955, so as to define or further define certain expressions; to delete the definition of the expression "licence"; to transfer certain powers of magistrates to the Commissioner of the South African Police; and to increase certain penalties; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 7 March 1978.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 1 of the Second-hand Goods Act, 1955 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution for the definition of "acquire" of the following definition:
 "acquire" **[, in relation to a pawnbroker,]** includes receive **[in pawn]**;"
- (b) by the insertion after the definition of "acquire" of the following definitions:
 "commissioned officer" means a commissioned officer appointed under subsection (1) of section 3 of the Police Act, 1958 (Act No. 7 of 1958);
 "Commissioner" means the Commissioner of the South African Police appointed under section 3 of the Police Act, 1958 (Act No. 7 of 1958);"
- (c) by the substitution for the definition of "dealer" of the following definition:
 "dealer" means a person who **[holds or is required to hold a licence referred to in section three, or who would, in the absence of exemption (b) under item 11 of Part 1 of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925); or of a resolution under section thirteen of the Finance Act, 1939 (Act No. 33 of 1939), have been required to hold a licence under that item, and who carries on the business of dealing]** deals in second-hand goods;"
- (d) by the deletion of the definition of "licence"; and
- (e) by the substitution for the definition of "Minister" of the following definition:
 "Minister" means the Minister of **[Justice] Police**;"

Amendment of section 1 of Act 23 of 1955, as amended by section 21 of Act 50 of 1956 and section 43 of Act 68 of 1957.

SECOND-HAND GOODS AMENDMENT ACT, 1978.

Act No. 18, 1978

2. The following section is hereby substituted for section 3 of the principal Act: Substitution of section 3 of Act 23 of 1955.
- 5 "Certificate required in connection with certain businesses. 3. No **[holder of a licence issued under item 11, 15 or 18 of Part 1 of the Second Schedule to the Licences Consolidation Act, 1925 (Act No. 32 of 1925),]** person shall **[carry on under that licence any business of dealing]** deal in second-hand goods except to the extent specified in a certificate granted to him under section 4."
- 10 3. The following section is hereby substituted for section 4 of the principal Act: Substitution of section 4 of Act 23 of 1955.
- 15 "Grant of certificates. 4. (1) An application for a certificate required under section 3, in the prescribed form and containing the prescribed particulars, shall be lodged with the **[magistrate]** commissioned officer in charge of the police district within which the applicant proposes to carry on business.
- 20 (2) If after consideration of any such application, and of a report from the commissioned officer in [police] charge of the police district in question, the [magistrate] Commissioner or a commissioned officer authorized thereto by him is satisfied—
- 25 (a) that the applicant is a person of good character; and
(b) that the premises in or on which the applicant proposes to carry on business are suitable and adequately equipped for the purpose,
he may grant the required certificate to the applicant.
- 30 (3) The grant of a certificate under subsection (2) shall be in the discretion of the **[magistrate concerned]** Commissioner or the commissioned officer authorized thereto by him, as the case may be, who may in any particular case grant a certificate authorizing the applicant to [carry on business] deal in
- 35 **[connection with]** all classes or kinds of second-hand goods or specified classes or kinds of second-hand goods or all classes or kinds of second-hand goods other than specified classes or kinds of such goods.
- 40 (4) An applicant for a certificate under this section may appeal against any decision of **[a magistrate]** the Commissioner or the commissioned officer concerned, as the case may be, on his application, to the Minister, who may after consideration of any such appeal confirm, amend or set aside the decision in
- 45 question or make such order thereon as he may deem fit, and whose decision shall be final."
- 50 4. Section 11 of the principal Act is hereby amended by the substitution for the words following upon paragraph (d) of the following words: Amendment of section 11 of Act 23 of 1955.
"shall be guilty of an offence and liable on conviction to a fine not exceeding one **[hundred pounds]** thousand rand or imprisonment for a period not exceeding **[six]** twelve months or both such fine and such imprisonment."
- 55 5. This Act shall be called the Second-hand Goods Amendment Act, 1978. Short title.