

SECOND-HAND DEALERS ACT, 1906-1948.

No. 10 of 1906.

(As amended by Act No. 54 of 1948, assented to 21st January, 1949, and reprinted pursuant to the Amendments Incorporation Act, 1938.)

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

[Assented to 29th September, 1906.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the *Second-hand Dealers Act, 1906-1948.*

Short title.
Amended by
No. 54 of 1948,
s. 10.

2. Every person who carries on the business of purchasing, selling, or exchanging second-hand articles shall be deemed a second-hand dealer within the meaning of this Act.

Second-hand
dealers.
N.Z., 1902, No.
23, s. 2.

3. From and after the first day of January, one thousand nine hundred and seven, it shall not be lawful for any person to carry on business as a second-hand dealer unless he is the holder of a license under this Act.

Second-hand
dealers to be
licensed.
Ibid., s. 3.

Application for license.
Amended by No. 54 of 1948, s. 10.
First Schedule. N.Z., 1902, No. 2.
Cf. ibid., s. 4.

4. (1) Any person wishing to obtain a license under this Act shall deliver to the clerk of petty sessions, at the court nearest to the shop or premises in respect of which the license is applied for, an application in writing, in the form of the First Schedule or to the like effect.

Grant of license.
Second Schedule.

(2) The police or resident magistrate of such court, if satisfied with the character of the applicant, may, in his discretion, grant a license in the form of the Second Schedule.

Duration of license.

(3) Such license, unless sooner cancelled, shall continue in force for one year from the date on which it was granted, and shall be renewable from year to year, subject to the provisions of this Act.

License fee.

(4) The Governor may by regulation under this Act prescribe the fee to be payable in respect of every such license ; and unless and until so prescribed, the fee shall be ten shillings per annum.

Record to be kept.
Cf. ibid., s. 5.

5. It shall be the duty of clerks of petty sessions to keep a record of every license granted or cancelled under this Act.

Unlicensed person may not act as second-hand dealer.
Ibid., s. 7.

6. It shall not be lawful for any person not being a licensee under this Act to in any way or by any method or device hold himself out to be a licensed second-hand dealer.

Register of articles bought, sold, or exchanged to be kept.
Third Schedule.
Cf. ibid., s. 8.

7. (1) Every licensee under this Act shall keep a book, in the form in the Third Schedule, wherein he shall from time to time enter each second-hand article bought or taken in exchange, the date of the transaction, and the name and address of the person from whom he bought or received it ; and every person selling or exchanging any such article shall sign the entry relating to such transaction.

(2) Every such entry shall be made on the date when the transaction takes place.

8. Every licensee under this Act shall at all reasonable times, on demand at his shop or place of business, produce his license to any constable or other member of the police force, and permit him to inspect such shop or place of business, the goods therein, and also the above-mentioned book.

License to be produced on demand.
Ibid., s. 9.

9. It shall not be lawful for any licensee under this Act, by himself or by any other person, to purchase or receive any second-hand goods before the hour of eight in the morning or after the hour of six in the evening, nor at any time from any person apparently under the age of sixteen years.

Restriction as to purchase of goods.
Ibid., s. 10.

10. Every licensee under this Act shall keep all second-hand goods purchased or received by him without changing the form in which such goods were when so purchased or received, or disposing of the same in any way, for a period of four days at least after such goods are so purchased or received.

Goods not to be changed in form or disposed of for four days.
Cf. 1902, No. 9, s. 14 (8).

11. If any person fails to comply with any of the provisions of this Act, he shall be guilty of an offence, and liable, on summary conviction before two justices of the peace, to a penalty not exceeding five pounds, and in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues.

Penalties.
N.Z., 1902, No. 2, s. 11.

12. In all proceedings against a licensee under this Act for any such offence the court, when convicting him, may, in addition to imposing the penalty, cancel the license by memorandum to that effect signed by the convicting justices, whereupon all the rights and privileges of the licensee under the said license shall absolutely cease and determine.

Cancellation of licenses.
Ibid., s. 12.

13. Nothing in this Act shall apply to any person who does not carry on the sale or exchange of second-hand articles at a shop, store, or place of business, nor to any person purchasing such articles for the purpose of manufacturing other articles therefrom, except purchasers of second-hand jewellery.

Act not to apply in certain cases.
Ibid., s. 14.

Disposal of
recovered goods.
Ibid., s. 15.

14. Where the ownership of any goods brought before two justices of the peace, and which have been unlawfully sold or exchanged, is established to the satisfaction of the justices, they may order that such goods shall be delivered up to the owner either without compensation or with such compensation to the person to whom they were so unlawfully sold or exchanged as the justices deem fit.

Act not to apply
to certain goods.

15. Nothing in this Act shall apply to the purchase or sale by any person of second-hand household furniture, books, mining machinery or appliances.

Restrictions as
to persons under
the influence of
intoxicating
liquor.

16. If any licensee under this Act buys or exchanges any second-hand goods from or with any intoxicated person, such licensee shall be guilty of an offence under this Act, and liable, on summary conviction therefor before two justices of the peace, to a penalty not exceeding ten pounds; and further, on such conviction, his license shall be forfeited or cancelled.

Schedules.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

The Second-hand Dealers Act, 1906.

Application for License.

To the Clerk of Petty Sessions at

I [*state name and occupation*], 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 its situation*], and I intend to keep it as a second-hand dealer's shop.

Dated this _____ day of _____, 19 _____.

(*Signature.*)

Section 4.

SECOND SCHEDULE.

The Second-hand Dealers Act, 1906.

License.

I, the undersigned Police Magistrate [*or Resident Magistrate*] for the Magisterial District of _____, being satisfied that _____ is a person of good character, hereby authorise him to carry on the business of a second-hand dealer, at his shop or place of business, situated at _____. This license is granted subject to the provisions of the Second-hand Dealers Act, 1906, and, unless sooner cancelled, continues in force for the period of twelve months from this date.

Granted at _____, this _____ day of _____, 19 _____.

P.M. [*or R.M.*].

THIRD SCHEDULE.

Section 7.

The Second-hand Dealers Act, 1906.

Register of Articles Bought or Exchanged.

Date and time of purchase or exchange	Description of article bought or exchanged	Amount paid, or description of article given in exchange	Signature of person buying or exchanging	Signature and address of person selling or exchanging