

WESTERN AUSTRALIA

**MARINE STORES ACT 1902**

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ARRANGEMENT

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WESTERN AUSTRALIA

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# MARINE STORES ACT 1902

AN ACT relating to Collectors of and Dealers in Marine Stores.

## Short title

1. This Act may be cited as the *Marine Stores Act 1902*, and shall come into operation on 1 January 1903.

## Interpretation

2. In this Act, unless the context otherwise requires—

“collector” means any person engaged in collecting or carrying on the business of collecting marine stores of any kind;

“dealer” means any person other than a ship-chandler or ship-owner dealing in or buying and selling marine stores of any kind, whether such person deals in any other goods or not;

“licensed” means licensed under this Act;

“marine stores” means partly manufactured metal goods, second-hand anchors, cables, sails, old junk, rags, bones, bottles, jute goods, and marine stores of every description, copper, iron, brass, lead, Muntz metal, scrap metal, broken metal, or defaced metal goods, but does not include bottles in which non-intoxicating beverages are ordinarily sold and in respect of which, at the time of the sale of the contents thereof, a deposit of money, repayable by the vendor, was made, or is ordinarily made, by the purchaser, or bottles in which milk or cream is ordinarily sold;

“police officer” includes any constable or officer of police;

“prescribed” means prescribed by regulations;

“regulations” means regulations under this Act;

“ship-chandler” means any shopkeeper in a seaport town whose principal business is the sale of cordage, canvas, and other furniture, and general necessaries of ships;

“truck” means truck, handcart, cart, barrow, or vehicle of any kind whatsoever.

[*Section 2 amended by No. 3 of 1963 s. 2.*]

## PART I—COLLECTORS

### **Licences to be issued by Commissioner of Police**

3. A collector’s licence, in the form in the Second Schedule, may be granted and issued by the Commissioner of Police, in his discretion, to any person apparently over the age of 16 years.

A fee as prescribed by regulation<sup>2</sup> under this Act and unless and until so prescribed the sum of 25 cents shall be paid for every collector’s licence.

[*Section 3 amended by No. 54 of 1948 s. 7; No. 113 of 1965 s. 8.*]

### **Form of application for collector’s licence**

4. Every application for a collector’s licence by any person then unlicensed shall be made in the form in the First Schedule, signed by the applicant, and shall be accompanied by a certificate, in the form in the said schedule, signed by 2 reputable householders, residing within the magisterial district in which the applicant resides.

### **Conditions relating to collector’s licence**

5. If any collector shall not—

- (1) within 7 days after being licensed, report himself, exhibit his licence, and notify his place of abode to the officer in charge of the police station nearest to his place of abode; or
- (2) whenever and as often as he changes his place of abode, notify by writing such change to the officer in charge of the police station at which he has reported himself, in compliance with the last preceding subsection, within 7 days after having so changed his abode; or
- (3) at any time, upon demand, produce his licence to any Justice of the Peace, or police officer, or to any person from whom he has, within 24 hours previously, bought or offered to buy, or collected or offered to collect, any marine stores; or
- (4) keep all marine stores other than bones or glass bottles purchased or received by him in the same state and condition as they were in when so purchased or received for 4 days at least next after such purchase or receipt, unless he shall sooner sell the same to a licensed dealer; or

- (5) deliver the same to the licensed dealer, if sold within the said period, in the same state and condition as when purchased or received; or
- (6) wear such badge as may be prescribed; or
- (7) show such badge when and so often as may be prescribed; or,
- (8) within one week after he ceases to be licensed, deliver up his badge to the officer in charge of the police station nearest to the place where he resides at the time he ceases to be licensed,

he shall be guilty of an offence against this Act.

### **Restrictions relating to collector's licence**

6. If any collector shall—

- (1) lend or let out on hire his licence to any person whomsoever, whether licensed or not; or
- (2) sell or otherwise dispose of any marine stores, other than bones or glass bottles, to any person other than a licensed dealer; or
- (3) carry on his business of collecting marine stores or of buying or selling the same before 8 a.m. or after 5 p.m. or on Sunday or any Public Holiday; or
- (4) use any truck for the purposes of his business which shall not have painted or marked upon it, in such manner and with such letters as may be prescribed, a number, and also the name in full and the address of the owner thereof; or
- (5) allow any person other than a licensed collector, or allow more than one licensed collector to accompany him when using a truck in the business of collecting marine stores; or
- (6) enter any premises without the permission of the owner or occupier thereof; or
- (7) having entered upon any premises, with or without the permission of the owner or occupier thereof, neglect or refuse to immediately leave such premises when directed to do so by such owner or occupier or his servant or agent; or
- (8) use insulting or offensive language, or be guilty of rude or insulting behaviour, whilst in pursuit of his occupation as a collector in any place, whether private or public,

he shall be guilty of an offence against this Act.

On a second conviction for any offence against subsection (1) the offender's licence shall be forfeited, and he shall be thenceforth incapable of holding a collector's licence.

Any person, without warrant, may arrest any offender against any of the provisions of subsections (7) and (8), and deliver him into the custody of any police officer, who shall take him in due course before any court of petty sessions to be dealt with for his offence.

**Collectors to be licensed**

7. If any person shall—

- (1) act as a collector without being licensed; or
- (2) not being a licensed dealer, purchase or receive from any collector any marine stores other than bones or glass bottles; or
- (3) not being a licensed collector, accompany any truck then being used in the business of collecting marine stores; or
- (4) not being a licensed collector, wear any badge, or imitation of a badge, for the purpose of passing as a licensed collector,

he shall be guilty of an offence against this Act.

**PART II—DEALERS****Dealers to be licensed**

8. Any person who acts as a dealer without being licensed shall be guilty of an offence against this Act.

**Form of, application for and transfer of dealer's licence**

9. A dealer's licence, in the form in the Third Schedule, may be granted, and a transfer thereof to any person or premises may be permitted, by any 2 Justices of the Peace at the court of petty sessions nearest to the premises in respect of which the licence is applied for or was granted.

**Notice of application for and transfer of dealer's licence**

10. No dealer's licence shall be granted, or any transfer thereof permitted, unless the applicant shall, 10 days at the least before his application, give or send by registered letter through the post to the clerk of the court of petty sessions and to the Commissioner of Police a notice, in writing, signed by him, of his intention to apply for the same, setting forth his name and address and the place where his business is intended to be carried on. The Commissioner of Police, or any person authorized by him, may show cause against the granting of any such application.

**Fee for dealer's licence**

11. A fee as prescribed by regulation<sup>2</sup> under this Act and unless and until so prescribed the fee of \$4 shall be paid for every dealer's licence.

[Section 11 amended by No. 54 of 1948 s. 7; No. 113 of 1965 s. 8.]

**Proposed transferee to be applicant**

12. Every application for permission to transfer a dealer's licence shall be made by the proposed transferee.

**Indorsement of transfer**

13. When the transfer of a dealer's licence to any person or premises is permitted, the fact and date of such permission, and the name and description of the person to whom or description of the premises to which the licence is permitted to be transferred, shall be indorsed upon such licence.

**Conditions related to premises and keeping of books**

14. If any licensed dealer shall not—

- (1) cause to be painted and kept painted his name in full, and the words "licensed dealer in marine stores," upon some conspicuous part of the outside of the premises in respect of which his licence is granted; or
- (2) keep every part of his business premises closed during the whole of every Sunday and public holiday, and between the hours of 6 p.m. of every day, except Saturday and Sunday, and 8 a.m. on the following morning, and from 2 p.m. of every Saturday until 8 a.m. on the following Monday morning; or
- (3) enter in a book, in the form in the Fourth Schedule, the name of every person to whom he shall lend or let on hire, whether gratuitously or otherwise, any truck, and the date when and the period for which such truck shall be lent or let on hire, and the amount (if any) charged for such lending or hire; or
- (4) keep a book in the form set forth in the Fifth Schedule, and enter therein an account of all such marine stores as he may from time to time become possessed of, stating in respect of each article the day and hour upon and at which, and the person by or through whom, and the person from whom he purchased or received the same, adding a true description of the business and place of abode of such last-mentioned person; or
- (5) keep a book in the form set forth in the Sixth Schedule, and enter therein an account of all such marine stores as he may from time to time sell or dispose of, stating in respect of each article, the day upon which and the name of the person by or through whom, and the person to whom, he sold or disposed of the same, adding a true description, if known to him, of the business and place of abode of such last-mentioned person; or
- (6) produce to any police officer, whenever thereto requested, the books required to be kept by him, and any marine stores purchased or received by him then in his possession; or
- (7) without delay, give notice to the officer on duty at the police station nearest to any place where he carries on business of any article which may come into his possession answering the description of any article described as having been stolen or fraudulently obtained in any written or printed information given to him by any police officer; or

- (8) keep all marine stores purchased or received by him without changing the form in which they were when so purchased, or disposing of the same in any way, for a period of 7 days after such marine stores have been purchased or received,

he shall be guilty of an offence against this Act.

### **Conditions applying to licensed dealer**

15. If any licensed dealer shall—

- (1) carry on the business of a dealer upon any other premises than those to which his licence applies; or
- (2) at any time, upon demand made to him by any Justice of the Peace or police officer, refuse or fail to produce and show to such Justice of the Peace or police officer his licence in force at the time of such demand; or
- (3) lend or let on hire any truck to any person other than a licensed collector; or
- (4) charge for the use or hire of any truck any sum exceeding the maximum amount prescribed; or
- (5) by himself, or any other person on his behalf, purchase or receive any marine stores from any person apparently under the age of 16 years; or
- (6) by himself, or any other person on his behalf, purchase or receive any marine stores of any description before the hour of 9 a.m. or after the hour of 6 p.m.; or
- (7) employ any person under the age of 18 years to purchase or receive marine stores of any description,

he shall be guilty of an offence against this Act.

## **PART III—MISCELLANEOUS**

### **Ceasing to be licensed**

16. Every person ceases to be licensed on the expiration, revocation, or forfeiture of his licence.

### **Expiration of licence**

17. Every licence issued under this Act, unless sooner revoked or forfeited, shall be in force from the day following the date thereof until 31 December then next following.

### **No person to hold both a collector's and dealer's licence**

18. No person shall hold both a collector's and a dealer's licence.



### **Presumption that person is unlicensed**

19. In any prosecution under this Act any allegation in any information that any person is unlicensed need not be proved, and such person shall be deemed to be unlicensed until the contrary be proved by the production of a licence or otherwise.

### **Presumption of marine stores**

20. Marine stores shall be deemed to be in the possession of a dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or shall have been removed with his knowledge and permission to any other place without a *bona fide* sale of such marine stores having been made by him.

### **Entries in dealer's books deemed made by him**

21. Every entry in any book kept or belonging to any dealer, or found on his licensed premises, shall be deemed, unless the contrary be shown, to have been made by or with the authority of such dealer.

### **Licences may be revoked**

22. Any 2 Justices of the Peace may, on the complaint of any person that any licensed person has been guilty of any breach or non-observance of any of the provisions of this Act or of any regulations, or that such person is, in any other respect unfit to hold any licence, revoke such licence.

### **Register to be kept**

23. The clerk of any Court at which any licence is granted, permitted to be transferred, or revoked, shall enter particulars of the same in a register to be kept in such Court, and shall send a copy of such entries to the Commissioner of Police, who shall cause the same to be entered in a register to be kept at his office, and at any other place which may be prescribed.

### **Inspectors, etc., to visit dealer's premises**

24. Any police officer may, at any time by day or night, demand entrance into the place of business of any dealer, and inspect the marine stores and books therein, and may record in the books the day and hour of his visit, and write his initials or name opposite the entry relating to any article examined by him.

If admittance is refused or delayed for such time as to make it appear that wilful delay was intended, the offender shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding \$100.

[Section 24 amended by No. 113 of 1965 s. 8.]

**Suspicious offering of marine stores**

**25.** (1) If any person offers to any dealer, by way of sale or exchange, any marine stores, and—

- (a) refuses or is unable to give a satisfactory account of himself or of the means by which he became possessed of such stores; or
- (b) wilfully gives any false information to the dealer or to his servant or agent; or
- (c) there is any other reason to suspect that such marine stores are stolen or otherwise illegally or clandestinely obtained,

the dealer or his servant or agent may detain such person, and deliver him into the custody of a police officer, who shall convey him before a Justice of the Peace.

(2) If the Justice, upon examination and inquiry, shall have cause to suspect that the stores were stolen or illegally or clandestinely obtained, he may commit such person into custody for such time, not exceeding 8 clear days, as the Justice may think necessary, for further inquiries.

(3) On the day to which the examination is adjourned, if such person is charged with no other offence, and it appears to the satisfaction of any 2 Justices that any of the marine stores so offered were illegally or clandestinely obtained, such person may be summarily convicted of an offence against this Act.

**Penalty**

**26.** Any person guilty of an offence against this Act shall, when no other penalty is provided, be liable, on conviction, to a fine not exceeding \$20, or to imprisonment with or without hard labour not exceeding 6 months.

*[Section 26 amended by No. 113 of 1965 s. 8.]*

**Hearing of complaints and informations**

**27.** All complaints and informations for offences and all proceedings for the forfeiture or revocation of any licence under this Act shall, except where otherwise provided, be heard and determined in a summary way before any 2 Justices of the Peace in petty sessions.

**Regulations**

**28.** The Governor may make regulations for prescribing—

- (1) the form, manner, and place of registration of licences, renewals, revocations, and other matters requiring registration under this Act, where not specially provided for in this Act;
- (2) means for circulating throughout the State lists of licences and revocations, and forfeitures thereof;

- (3) the badges to be used or worn by collectors, and the position and manner in which the same shall be worn;
  - (4) the mode by which collectors shall make known their approach, whether by bell or otherwise;
  - (5) all such observances as may not be specifically provided for in this Act, and which the Governor considers it desirable that collectors should comply with in carrying on their business;
  - (6) the manner in which any truck used by any collector shall be painted or otherwise distinguished, and the mode of painting or otherwise marking the name and address of the owner, whether a collector or dealer, upon such truck, and of numbering and marking the number upon any truck;
  - (7) the manner and situation in which the names of dealers shall be painted upon the premises upon which they are licensed to carry on their business as dealers;
  - (8) the fees payable for any licence under this Act;
- and generally for carrying into effect the provisions of this Act.

[Section 28 amended by No. 54 of 1948 s. 7.]

**SCHEDULES.**

**Section 4.**

**FIRST SCHEDULE.**

Western Australia.

Marine Stores Act 1902.

**APPLICATION FOR COLLECTOR'S LICENCE.**

To the Commissioner of Police.

I, A. B. [address and description], do hereby declare that I am of the full age of 16 years, and apply for a collector's licence.

Dated the                    day of                    , 19                    .

[Signature of Applicant.]

**HOUSEHOLDERS' CERTIFICATE.**

We, C. D. of [address and description] and E. F. [address and description] certify that the above-named [name of applicant] has been known to us for last past, and during all that time has resided at                    , and is a person of good character and reputation, and a fit person to receive a collector's licence.

Dated the                    day of                    , 19                    .

C.D., }  
E.F., } Householders.

*Marine Stores Act 1902***Section 3.****SECOND SCHEDULE.**

Western Australia.

Marine Stores Act 1902.

**COLLECTOR'S LICENCE.**

A.B., of [address and description], is licenced to act as a collector of Marine stores, and carry on the business of collecting marine stores. This licence shall continue in force from the day next following the date hereof until 31 December 19 , unless sooner revoked or forfeited.

Given at Perth, in the said State, the \_\_\_\_\_ day  
of \_\_\_\_\_, 19 .

Registered No. \_\_\_\_\_ Commissioner of Police.

This licence is not to be let on hire or lent to any person.

The collector, if he changes his abode, must report his new place of abode to the police officer of the station nearest to the same and to the police officer of the station nearest to his last former place of abode.

Specially Notice.—This licence is subject to revocation or forfeiture if the collector be guilty of any breach of the Act or any regulation, or of any improper conduct whatever.

**Section 9.****THIRD SCHEDULE.**

Western Australia.

Marine Stores Act 1902.

**DEALER'S LICENCE.**

WHEREAS A. B., of [address and description] has applied to us, the undersigned Justices of the Peace presiding at the court of petty sessions at \_\_\_\_\_, for a licence to act as a dealer in marine stores: Now we, the Justices aforesaid, being satisfied that the said A. B. is a fit person to have such a licence granted to him, do hereby authorize and empower him, the said A. B., to act as a dealer and to carry on the business of dealing in and buying and selling marine stores at the premises occupied by him at \_\_\_\_\_, and this licence shall continue in force from the day next following the date hereof until 31 December 19 , unless sooner revoked or cancelled.

Given under my hand and the seal of the said Court

at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19 .

Registered No. \_\_\_\_\_

C.D., J.P.  
E. F., J.P.

Section 14(3).

FOURTH SCHEDULE.

Marine Stores Act 1902.

ENTRY OF TRUCKS, HANDCARTS, CARTS OR VEHICLES  
LENT OR LET OUT ON HIRE.

Name of collector to whom truck, etc., lent or let on hire.	Date on which truck, etc., lent or let on hire.	Whether on hire or gratuitously, and if on hire at what price.	Period for which truck, etc., is lent or let.	No. on trucks, etc., lent or let on hire.

Section 14 (4).

FIFTH SCHEDULE.

Marine Stores Act 1902.

ENTRY OF PURCHASES AND RECEIPTS.

Day of purchase or receipt and hour of day.	Description of marine stores purchased or received.	Name and surname of person by or through whom purchased or received.	Name and surname of person from whom purchased or received.	Business and place of abode of person from whom purchased or received.

## Section 14 (5).

## SIXTH SCHEDULE.

## Marine Stores Act 1902.

## ENTRY OF SALES AND DISPOSITIONS.

Day of Sale.	Description of marine stores sold or disposed of.	Name and surname of persons by or through whom sold or disposed of.	Name and surname of person to whom sold or disposed of.	Business and place of abode of person to whom sold or disposed of.

## NOTES.

<sup>1</sup>This reprint is a compilation as at 7 May 1986 of the *Marine Stores Act 1902*<sup>3</sup> and includes all amendments effected by the other written laws referred to in the following Table.

## Table of Acts.

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Marine Stores Act 1902</i>	9 of 1902	18 November 1902	1 January 1903 (See s. 1)	
<i>Acts Amendment (Increase of Fees) Act 1948</i> Amendments in Section 7	54 of 1948	21 January 1949	21 January 1949	
<i>Marine Stores Act Amendment Act 1963</i>	3 of 1963	29 August 1963	29 August 1963	

<sup>2</sup>Now \$23 see *Gazette* 25 September 1981 p. 4095.

<sup>3</sup>The *Marine Stores Act 1902* was effected by the *Decimal Currency Act 1965*.