

LAWS OF GUYANA

OLD METAL DEALERS ACT

CHAPTER 91:08

Act

38 of 1900

Amended by

26 of 1949

4 of 1972

27 of 1991

2 of 2007

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1 - 15 ...	1/2012

Note

on

Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 91:08

OLD METAL DEALERS ACT

ARRANGEMENT OF SECTIONS

SECTION

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1929 Ed.
c. 71
1953 Ed.
c. 126

CHAPTER 91:08
OLD METAL DEALERS ACT

6 of 1888

An Act for regulating the business of Dealers in Old Metals.

[15TH DECEMBER, 1900]

Citation.

1. This Act may be cited as the Old Metal Dealers Act.

Interpretation.
[2 of 2007]

2. In this Act –

“dealer” means a dealer in old metals, that is to say, any person dealing in, buying and selling old metal of any kind or description, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods or portions of machinery, and whether dealing in those articles only or together with other things;

“old metal” –

- (a) means articles referred to in the definition of “dealer” in this section; and
- (b) includes any kind or description of metal declared by regulation to be old metal.

Territorial
division of
Guyana for
purposes of Act.
[26 of 1949
4 of 1972
27 of 1991]
c. 16:01

3. For the purposes of this Act, Guyana shall be divided into areas (hereinafter referred to as divisions) which shall, unless otherwise provided by order of the Minister, be the police divisions prescribed from time to time under the Police Act.

Registration compulsory.
[2 of 2007]

4. (1) No person shall carry on the trade or business of a dealer unless he is registered and licensed under section 6, or on premises other than those in respect of which he is registered and licensed.

(2) A person who contravenes subsection (1) shall be liable on summary conviction to a fine of one hundred thousand dollars, and in addition to a fine of six thousand dollars for each day after the first on which he continues the aforesaid contravention.

Register to be kept.
First Schedule;
Form 1.

5. Every superintendent of police in charge of a county shall keep at the headquarters police station of the county of which he is in charge, an annual register of dealers according to Form 1 in the First Schedule.

Registration.
[27 of 1991
2 of 2007]

6. Anyone desiring to be registered and licensed as a dealer in any year shall not later than 31st January of that year apply in writing to the Superintendent of Police in charge of the county in which he desires to carry on business, stating his place of abode and the premises on which he desires to carry on business, and the Superintendent shall upon payment by the applicant of the annual registration fee of one hundred thousand dollars thereupon, subject as hereinafter provided register him as a dealer in the annual register of that county, for one year ending on 31st December of the year for which he is registered and shall issue to the applicant a licence in Form 4 in the First Schedule:

First Schedule
Form 4

Provided that where a person is registered and licensed for the first time on or after 1st July in any year the licence fee chargeable shall be fifty per cent of the annual licence fee:

Provided further that in the case of any applicant as to whom a magistrate has adjudged that he shall not carry on the business of a dealer without the permission of the

Commissioner of Police as hereinafter provided, he shall not be registered and licensed unless that permission is expressly given.

7. [Omitted]

Sign-board to be erected by licensee.
[27 of 1991]

8. (1) Over one of the principal entrances to the premises upon which any licensee under this Act carries on business as a dealer there shall be placed a board on which shall be printed, in legible letters at least two inches in length, the name in full of such licensee and the words "Registered and Licensed as a dealer in Old Metals".

(2) Every licensee who contravenes or fails to comply with the provisions of subsection (1) shall be liable on summary conviction to a fine of ten thousand dollars and to imprisonment for six months.

Notice of change of place of business.
[27 of 1991]
[2 of 2007]

9. Every dealer upon changing his place of business from one part of a county to another part of the same county shall forthwith give notice of the change at the police station where he is registered, and if he continues to carry on business as a dealer without giving that notice he shall be liable on summary conviction to a fine of thirty thousand dollars and, in addition to a fine of four thousand dollars for every day after the first on which he continues to carry on that business without giving the notice.

Effect of conviction under the Act.
[27 of 1991]

10. (1) Where any dealer is convicted of any offence against any of the provisions of this Act, the magistrate before whom the conviction for the offence takes place may, if he thinks fit, adjudge that the offender shall not at any time thereafter carry on the business of a dealer without the express permission of the Commissioner of Police.

(2) The magistrate so adjudicating shall forthwith forward a certificate, signed by himself, stating the facts of the adjudication to the Commissioner of Police who shall thereupon cause the superintendent of police in charge of the county in which that dealer is registered, to remove his name from the register:

Provided that if the conviction is reversed on appeal, the superintendent shall, on the application of the appellant, restore his name to the register.

Power to visit place of business of registered dealer.

11. Any member of the Police Force above the rank of constable may visit at any time the places of business and inspect the goods and books of dealers, and each superintendent or sub-officer shall, and is hereby empowered to, record, in the book hereinafter required to be kept by every dealer, the day and hour of his visit, and to place opposite the entry of every article examined by him his name or initials in attestation thereof.

Regulations to be observed by registered dealer.
[27 of 1991
2 of 2007]
First Schedule;
Form 2.

12. (1) Every dealer shall conform to the following regulations:

- (a) he shall keep a book or books fairly written, and shall enter therein, according to Form 2 in the First Schedule, an account of all old metals of which from time to time he becomes possessed, stating, in respect of each article, the name of the person who purchased or received it, and the time at which, and the name of the person from whom, he purchased or received it, adding, in the case of each last-mentioned person the number of his Identification Card or Passport, a description of the business and place

Form 3

of abode of that person; and he shall also enter in the book or books, according to Form 3 in the said Schedule, an account of all old metals which from time to time he sells or disposes of, stating in respect of those old metals the name of the person to whom he sold or disposed of them, adding a description of the business and place of abode of that person, and every entry in any book aforesaid shall be deemed and taken, unless the contrary is shown, to have been made by or with the authority of the dealer to whom that book belongs;

- (b) he shall not, by himself or by any other person, purchase or receive any old metals of any description before the hour of eight o'clock in the morning, or after the hour of five o'clock in the afternoon, nor shall he, by himself or by any other person, purchase or receive old metals of any description from any person apparently under the age of sixteen years or from any person who does not produce his Identification Card or Passport, the number whereof shall in accordance with paragraph (a) be recorded by him, nor shall he employ any servant or apprentice or any other person under the age of sixteen years to purchase or receive old metals of any description;

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- (c) he shall, whenever requested thereto, produce to any member of the Police Force above the rank of constable, the book or books required to be kept as aforesaid, and any old metals purchased or received by him then in his possession; and old metals 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 have been removed with his knowledge and permission to any other place without a *bona fide* sale of them having been made by him;
- (d) he shall without delay give notice, to the officer on duty at the police station nearest to the place where he carries on business, of any articles then in his possession, or which may thereafter come into his possession, answering the description of any articles which have been stolen, embezzled, or fraudulently obtained, of which printed or written information containing a description of those articles is given to him by any officer or police;
- (e) he shall keep all old metals purchased or received by him without changing the form in which they were when so purchased, or disposing of them in any way, for a

period of fifteen days after they have been purchased or received; and

- (f) he shall not ship or export from Guyana any old metal unless it has been inspected in its original form by an engineer approved by the Minister who shall make out and deliver to the Commissioner-General of the Revenue Authority a detailed description of the article comprising such old metal, giving the weight, kind and variety of same.

(2) For any act or default contrary to the foregoing regulations done or made by any dealer, he shall on summary conviction be liable for a first offence to a fine of not less than twenty thousand dollars and not exceeding one hundred thousand dollars, and for every subsequent offence to a fine of not less than one hundred thousand dollars and not exceeding one million two hundred thousand dollars.

No export of old metals without an export licence.
[27 of 1991]

13. (1) Notwithstanding anything in any written law no person shall export from Guyana any old metal except under the authority of a licence granted by the Competent Authority.

(2) In this section "Competent Authority" has the same meaning as in the Trade Act.

Minister may suspend export of old metal.
[2 of 2007]

13A. (1) The Minister may by order prohibit all old metal, or any specified kind or description of old metal, from being shipped or otherwise exported from Guyana for a specific period of time not exceeding one year, if the Minister considers it necessary or expedient in the interest

of preventing or curbing any illegal activity.

(2) An order under subsection (1) has effect notwithstanding—

- (a) any licence, permit, approval, permission, or other kind of consent or authorisation issued or granted under any written law;
- (b) anything to the contrary in section 12(l) (f) or 13 or any other provision of this Act.

(3) No person shall ship or otherwise export from Guyana any old metal in contravention of an order under subsection (1).

Offence to
export in
breach of
sections 13
and 13A.
[2 of 2007]

13B. Every person who contravenes or fails to comply with section 13(1) or 13A (3) commits an offence and shall on summary conviction be liable—

- (a) for a first offence, to—
 - (i) a fine of not less than twenty thousand dollars and not exceeding one hundred thousand dollars; and
 - (ii) imprisonment for a term not exceeding 3 months;
- (b) for every subsequent offence to—
 - (i) a fine of not less than one hundred thousand dollars and not exceeding one million two hundred thousand dollars; and

- (ii) imprisonment for a term not exceeding 1 year.

Purchase of less than specified quantity of certain metals. [27 of 1991 2 of 2007] Second Schedule.

14. Any dealer who, either personally or by any servant or agent, purchases, receives, or bargains for, any metal, or any composite the principal ingredient of which is that metal, mentioned in the Second Schedule, whether new or old, in any quantity at one time of less weight than the quantity of each of those metals or composites in the said Schedule mentioned, shall be liable to a fine of one hundred thousand dollars.

Use as evidence of extract from register.

15. Any extract purporting to be an extract from a register kept under this Act, and any certificate to the effect that any person therein named is not registered in any of those registers, if it purports to be signed by the Commissioner of Police or any superintendent of police, shall, without proof of the signature, be received in all courts of justice as *prima facie* proof of the facts stated therein.

Regulations. [2 of 2007]

15A. The Minister may subject to the negative resolution of the National Assembly make regulations for all or the following purposes—

- (a) declaring any kind or description of metal to be old metal for the purposes of the definition of “old metal” in section 2;
- (b) increasing or reducing the annual registration fee specified in section 6;
- (c) amending any Schedule of this Act;
- (d) providing for any other matters necessary for giving full effect to the

provisions of this Act and for the due administration of these provisions.

s. 5

FIRST SCHEDULE

FORMS

1

Register of Dealers in Old Metals

Name	Place of abode and business	Date of registration

s.11

2.

Entry of Purchase and Receipts of Old Metals

Name of person who purchased or received	Name of person from purchased or received	Business and place of abode of person from whom purchased or received	Description and quantity of old metal purchased or received	Day of purchase or receipt, and hour of day

3.

Entry of Sales of Old Metals

Name of person to whom sold.	Business and place of abode or of business of person to whom sold.	Description and quantity of old metal sold.	Day of sale.

s. 6

4

Licence

.....having this day paid the sum of one hundred thousand dollars is hereby registered and licensed to deal in old metals atin accordance with the provisions of the Old Metal Dealers Act, Cap. 91:08.

This licence expired on the 31st December 20.....

.....
 Superintendent of Police
 in charge of the county
 of.....

Dated at this day of
 20.....

s.15

SECOND SCHEDULE

METALS AND QUANTITIES

Lead, fifty-six pounds.

Copper, ten pounds.

Brass, ten pounds.

Tin, ten pounds. Pewter, ten pounds.

German silver or speller, one pound.
