

LAWS OF BRUNEI

REVISED EDITION 1984

CHAPTER 65

SECOND-HAND DEALERS

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Licensing officer
4. Exemption from provisions of Act
5. Second-hand dealers to be licensed
6. Hours of business
7. Penalty
8. Issue of licences
9. Keeping proper books of account
10. Information to be given by police to licensed dealers of stolen and lost property
11. Power to enter any licensed dealers' shops, etc.
12. Police officers may arrest persons loitering in suspicious circumstances
13. Delivery to owner of property etc.

LAWS OF BRUNEI

2

CAP. 65

Second-hand Dealers

14. Liability of dealer and servant for acts of servant
15. Power to make rules
16. Power to vary the Schedule

SCHEDULE

SECOND-HAND DEALERS ACT

An Act to provide for the licensing and control of dealers in second-hand goods

3 of 1933
(Cap. 65 of
1951)
S. 99/59
B.R.O.N. 13.
10. 1937
B.R.O.N. 14.
12. 1933

Commencement: 1st January 1934

1. This Act may be cited as the Second-hand Dealers Act. Short title and operation

2. (1) In this Act — Interpretation

“goods” in the expression “second-hand goods” does not include any of the goods specified for the time being in the Schedule to this Act;

“licensed dealer” means a dealer in second-hand goods only, or in such goods together with goods which are not second-hand, licensed under this Act;

“person” includes a firm or a person carrying on business in a firm’s name;

“shop” includes a house, place of business or other premises;

“stolen property” means property the possession whereof has been transferred by theft or extortion or robbery, and property which has been criminal-ly misappropriated or in respect of which criminal breach of trust or cheating has been committed, whether the transfer has been made or the misappropriation or breach of trust or cheating has been committed within or without Brunei; but if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property.

(2) Every person in whose shop second-hand goods are found apparently exposed for sale or who is found in possession of second-hand goods to an unusual quantity shall be deemed, until the contrary is proved, to be a dealer Presumption

LAWS OF BRUNEI

4

CAP. 65

Second-hand Dealers

in second-hand goods, and no person shall be deemed to deal in second-hand goods unless he carries on business in a shop.

Licensing officer

3. His Majesty the Sultan and Yang Di-Pertuan may appoint a fit and proper person to be the licensing officer under this Act.

Exemption from provisions of Act

4. (1) The licensing officer may, at his discretion and on payment of the prescribed fee, by writing exempt any person carrying on business within the area for which he is the licensing officer from the provisions of this Act.

(2) Such exemption may be cancelled at any time by the licensing officer.

Second-hand dealers to be licensed

5. (1) No person unless exempted from this Act shall deal in second-hand goods except in accordance with the conditions of a licence issued under this Act and in the place specified in such licence.

(2) Every licensed dealer shall keep his licence posted in a conspicuous place in his shop.

(3) Every licensed dealer shall keep exhibited at or over the outer door of his shop a sign-board of such size and in such position as the licensing officer directs, which sign-board shall have printed thereon the words "Licensed dealer in second-hand goods."

Hours of business

6. No licensed dealer shall purchase or sell any goods before 7.00 a.m. or after 9.00 p.m.

Penalty

7. Any person who contravenes any of the provisions of sections 5 or 6 shall be guilty of an offence: Penalty, a fine of \$1,000 for the first offence and a fine of \$5,000 or imprisonment for 6 months for the second or any subsequent offence.

8. A licence issued under this Act —Issue of
licenses

(a) shall be issued by the licensing officer on payment of the prescribed fee and be in such form and subject to such conditions as may be prescribed;

(b) shall expire on the 31st day of December of the year in which it is issued;

(c) shall in every case be liable to cancellation by the licensing officer with the approval of the Minister;

(d) shall not be transferable without the consent of the licensing officer and payment of the prescribed fee.

9. (1) Every licensed dealer shall keep in his shop —Keeping
proper books
of account

(a) a book legibly written in which he shall enter the particulars of all goods bought by him, with the date of purchase, the price paid for them, and the name and address of the person from whom he bought them and such other particulars as may be prescribed;

(b) a book legibly written in which he shall enter the particulars of all goods sold by him, with the date of sale, the price received for them and such other particulars as are prescribed.

(2) Such books shall be produced for examination at any time between 7.00 a.m. and 9.00 p.m. on demand by any magistrate, the licensing officer, any police officer not below the rank of sergeant or any police officer specially authorised in writing by the licensing officer to act under this Act.

(3) Any licensed dealer who fails to comply with any requirement of this section shall be guilty of an offence: Penalty, a fine of \$500 for the first offence and a fine of \$2,500 or imprisonment for 3 months for the second or any subsequent offence.

Information to be given by police to licensed dealers of stolen and lost property

10. (1) Information as to any stolen property or as to any property which has been lost shall be given by the police as soon as possible after the theft or loss to all licensed dealers with lists and descriptions of the same.

(2) If any property answering such lists and descriptions is in the possession of any licensed dealer or is thereafter offered to or shown to any licensed dealer, he shall, without unnecessary delay, give information to that effect at the nearest police station or to any police officer, with the name and address of the person in whose possession the property was seen, and in default thereof he shall be liable on conviction to a fine of \$1,000.

(3) The licensed dealer in such case may also detain the person offering or showing such property until the arrival of the police.

Power to enter any licensed dealers' shops, etc.

11. Any police officer not below the rank of sergeant and any police officer specially authorised in writing by the licensing officer to act under this Act may enter any licensed dealer's shop at any time during business hours and may search without warrant the shop of such licensed dealer for any property which he has reason to suspect to be therein and to be stolen property or to have been lost.

Police officers may arrest persons loitering in suspicious circumstances

12. (1) Any police officer, having reason to believe that a person in or loitering about a licensed dealer's shop in suspicious circumstances has with him any stolen property, may detain such person and require him to produce any property which he has with him.

(2) If any property is produced which the police officer has reason to suspect to be stolen property, he may take or cause to be taken the person and the property to the nearest police station there to be dealt with according to law.

(3) If any person so required to produce such property refuses to be searched, the police officer may take him or cause him to be taken before a magistrate who, if he sees fit, may search or order to be searched such person and if any such property is found, may detain him with the property so found to be dealt with according to law.

13. (1) If any person is convicted in any court of an offence under Chapter XVII of the Penal Code in respect of any property, and it appears to the court that the same has been sold to a licensed dealer, the court on proof of the ownership of the property may, if it thinks fit, order the delivery thereof to the owner either on payment to the licensed dealer of the amount of the purchase price or any part thereof or without payment thereof or of any part thereof as to the court according to the conduct of the owner and the other circumstances of the case seems just and fit.

Delivery to
owner of
property etc.
Cap. 22

(2) The court may also adjourn the proceedings for the attendance of the licensed dealer and may summon him to attend at the adjourned hearing.

(3) If after hearing the licensed dealer the court is of opinion that he has not exercised due care in purchasing any stolen property, it may order him to pay a fine of \$1,000.

14. (1) When any licensed dealer is liable under this Act to any fine or imprisonment or the cancellation of his licence for any act, omission or default, he shall be liable to the same fine, imprisonment or cancellation for any act, omission, neglect or default of any agent or servant employed by him in the course of his business as such licensed dealer.

Liability of
dealer and
servant for
acts of
servant

(2) Every agent or servant employed by a licensed dealer in the course of his business as such licensed dealer shall also be liable to every fine or punishment prescribed for such acts, omission, neglects, or defaults as if such agent or servant had been the person to whom such licence had been granted.

Power to
make rules

15. His Majesty in Council may make rules for any of the following purposes, namely —

(a) to prescribe the fees for licences and exemption and transfers of licences under this Act;

(b) to prescribe the form of the licences under this Act and the conditions to be indorsed thereon;

(c) to prescribe the forms of exemptions under this Act;

(d) to prescribe the books to be kept by licensed dealers and the particulars to be entered therein;

(e) generally to carry out the purpose of this Act.

Power to vary
the Schedule

16. His Majesty in Council may by notification published in the *Gazette* vary the list contained in the Schedule.

SCHEDULE

(Section 2 (1))

Furniture;

Gunny bags, sail cloths, canvas;

Bottles;

Old iron and metals other than brass, copper, lead zinc and block tin;

Kerosene tins, oil drums, and other similar empty receptacles;

Wooden and tin lined boxes and cases.