



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 57 of 1973

An Act to amend the Pawnbrokers Act, 1888-1965.

[Assented to 22nd November, 1973]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Pawnbrokers Act Amendment Act, 1973". Short titles.

(2) The Pawnbrokers Act, 1888-1965, as amended by this Act, may be cited as the "Pawnbrokers Act, 1888-1973".

(3) The Pawnbrokers Act, 1888-1965, is hereinafter referred to as "the principal Act".

2. Section 37 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 37 of principal Act and enactment of section in its place—

37. (1) A person who did not hold a licence in respect of premises that was in force for carrying on the business of a pawnbroker under this Act as in force immediately before the commencement of the Pawnbrokers Act Amendment Act, 1973, and who wishes to obtain such a licence shall apply to the local court of limited jurisdiction nearest to the place of business, in respect of which the licence is to be applied for, for a certificate in the form of the fifth schedule to this Act.

Licences.

(2) If the court is satisfied that the applicant is a fit and proper person to be so licensed it shall after the hearing of the application deliver to the applicant a certificate in the form of the fifth schedule to this Act.

(3) On presentation of the certificate to the Receiver of Revenue at the Treasury or some other proper officer appointed on that behalf by the Governor and on payment by the applicant of a fee of fifty dollars the Receiver or officer shall issue to the applicant a licence for carrying on business as a pawnbroker at the place of business specified in the licence.

(4) Every holder of a licence under this Act whether that licence was taken out or issued before or after the commencement of the Pawnbrokers Act Amendment Act, 1973, shall if he desires to continue in business as a pawnbroker in respect of the premises specified in the licence, take out a fresh licence in respect of those premises not less than ten days before his current licence determines and shall in the same manner renew any such licence from year to year by paying an amount of fifty dollars for each renewed licence.

(5) The Receiver of Revenue or officer appointed under subsection (3) of this section shall upon due application being made under subsection (4) of this section issue the applicant with a fresh licence in renewal of the subsisting licence of the applicant.

(6) If any person who was the holder of a licence under this Act in respect of premises does not renew that licence in the manner provided for by this section and afterwards desires to renew that licence the Receiver of Revenue or the officer appointed under subsection (3) of this section may require the applicant to produce a certificate in the form of the fifth schedule to this Act as if the application were the first application in relation to those premises, but it shall not be obligatory on the Receiver or officer to require such a certificate to be produced.

(7) Every licence under this Act shall show the day upon which it is to take effect and shall determine on the thirty-first day of July next following that day.

(8) A separate licence under this Act shall be taken out and paid for by a pawnbroker for each pawnbroker's shop kept by him.

(9) If a person acts as a pawnbroker from any premises that are not the subject of a pawnbroker's licence under this Act he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Repeal of
ss. 39, 40 and
41 of principal
Act.

3. Section 39, section 40 and section 41 of the principal Act are repealed.

Amendment of
principal Act,
s. 42—
Notice of
application.

4. Section 42 of the principal Act is amended by striking out the passage "for the first time".

5. The fourth schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:—

Repeal of
fourth schedule
of principal
Act and
enactment of
schedule in
its place—
Section 37.

THE FOURTH SCHEDULE

Pawnbrokers Act, 1888-1973

A.B.

of

is hereby granted a licence to carry on business as a pawnbroker at [*here insert description of the premises in respect of which the licence is granted*] until the day of . . .

Dated this

day of

Signed.

6. The fifth schedule to the principal Act is repealed and the following schedule is enacted and inserted in its place:—

Repeal of
fifth schedule
of principal
Act and
enactment of
schedule in
its place—
Section 37.

THE FIFTH SCHEDULE

Form of Certificate

[*here insert name and description of person or persons comprising the Court*], do hereby certify that—

A.B. of

is a fit and proper person to carry on the business of a pawnbroker at [*here insert description of the premises from which the business of pawnbroking is to be carried on*]

Dated this

day of , 19 .

Signed.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor