

LAWS OF BRUNEI

CHAPTER 65

SECOND-HAND DEALERS

3 of 1933
(Cap. 65 of 1951)

Amended by:
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GN 256/90

LAWS OF BRUNEI

CHAPTER 65

SECOND-HAND DEALERS

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SCHEDULE

SECOND-HAND DEALERS ACT**An Act to provide for the licensing and control of dealers in second-hand goods**

Commencement: 1st January 1934

1. This Act may be cited as the Second-hand Dealers Act. Short title.
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 criminally 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 Darussalam; 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.

Presumption.

(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 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.
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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.

Issue of licenses.

8. A licence issued under this Act —

(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.

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.

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

(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.

Delivery to owner of property, etc.
Cap. 22.

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.

(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.

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

Power to make rules.

(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.

SUBSIDIARY LEGISLATION

Rules under section 15

SECOND-HAND DEALERS RULES

ARRANGEMENT OF RULES

Rules

1. Citation.
2. Interpretation.
3. Fees.
4. Certificate of exemption.
5. Second-hand dealers licence.
6. Conditions to be indorsed on second-hand dealers licences.
7. Sign-boards.
8. Purchase Ledgers.
9. Sales Ledgers.

SCHEDULE

SUBSIDIARY LEGISLATION

Rules under section 15

SECOND-HAND DEALERS RULES

B.R.O.N.
17.10.33
B.R.O.N.
14.12.33

1. These Rules may be cited as the Second-hand Dealers Rules. Citation.
2. In these Rules — Interpretation.
 - “the Act” means the Second-hand Dealers Act; Cap. 65.
 - “certificate of exemption” means the form of exemption from the provisions of the Act issued by the licensing officer under the provisions of section 4 of the Act;
 - “Purchase Ledger” means the book containing particulars of goods purchased required to be kept by a licensed dealer by virtue of the provisions of paragraph (a) of subsection (1) of section 9 of the Act;
 - “Sales Ledger” means the book containing particulars of goods sold required to be kept by a licensed dealer by virtue of the provisions of paragraph (b) of subsection (1) of section 9 of the Act;
 - “Second-hand dealers licence” means the licence issued to a dealer in second-hand goods under the provisions of paragraph (a) of section 8 of the Act.
3. The fees for — Fees.
 - (a) licences of exemption;
 - (b) second-hand dealers licences; and
 - (c) the transfer of second-hand dealers licences,

shall be as specified in the First Schedule.
4. Every certificate of exemption shall be in Form 1 in the Second Schedule. Certificate of exemption.
5. Every second-hand dealers licence shall be in Form 2 in the Second Schedule. Second-hand dealers licence.
6. The conditions specified in the Third Schedule shall be endorsed on the back of every second-hand dealers licence. Conditions to be indorsed on second-hand dealers licences.
7. The sign-board required by subsection (3) of section 5 of the Act to be exhibited by every licensed dealer shall be made of wood and shall be 2 Sign-boards.

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feet and 6 inches by 2 feet in size and shall be painted white. The words required by the said subsection to be written thereon shall be in black lettering.

Purchase Ledgers. 8. Every Purchase Ledger shall be written in romanised Malay and shall contain the particulars specified in the Fourth Schedule.

Sales Ledgers. 9. Every Sales Ledger shall be written in romanised Malay and shall contain the particulars specified in the Fifth Schedule.

FIRST SCHEDULE

(Rule 3)

FEES

(a) For a licence for exemption from the conditions of the Act under section 4	\$10.00
(b) For a licence to carry on the business of a second-hand dealer under section 8(a) annually	\$10.00
(c) For the transfer of a licence under section 8(d)	\$ 5.00

SECOND SCHEDULE

(Rule 4)

FORM 1

BRUNEI DARUSSALAM

Second-hand Dealers Act (Cap. 65)

CERTIFICATE OF EXEMPTION

Counterfoil No., Name. No. Name

Address exempted. Carrying on business at is hereby exempted from the provisions of the Second-hand Dealers Act (Cap. 65).

Date. This Certificate may be cancelled at any time by the Licensing Officer.

Fee. A fee of \$10.00 in cash has been paid for this Certificate.

..... 20.....

..... Licensing Officer

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FORM 2

(Rule 5)

BRUNEI DARUSSALAM

Second-hand Dealers Act (Cap. 65)

SECOND-HAND DEALERS LICENCE

No. Name Counterfoil
No., Name.

Carrying on business at is licensed to deal
in Second-hand Goods at the premises and such parts only of the same as is
specified below — Address.
Description
of premise
licensed.

This licence expires on the 31st day of December, 20 , and is liable to
be cancelled at any time by the Licensing Officer with the approval of the
Minister, and may only be transferred with the approval of the Licensing
Officer and on payment of a fee of \$5.00. A fee of \$10.00 in cash has been
paid for this licence. Date.
Cash.

..... 20

.....
Licensing Officer

THIRD SCHEDULE

(Rule 6)

**CONDITIONS TO BE INDORSED ON THE BACK OF A
SECOND-HAND DEALERS LICENCE**

1. The licensee will not knowingly deal in any stolen property.
2. This licence shall be kept posted up in a conspicuous place in the licensee's shop, over the outer door of which shall also be exhibited an approved sign-board.
3. The licensee shall not sell or purchase goods before 7.00 a.m. or after 9.00 p.m.
4. The licensee shall keep the prescribed books which shall be produced on demand between 7.00 a.m. and 9.00 p.m. to any magistrate, the Licensing Officer, or any Police Officer not below the rank of Sergeant, or the Police Officer authorised in writing by the Licensing Officer.
5. The licensee shall without unnecessary delay give information to the Police of any stolen property offered for sale, and may detain any person offering such for sale until the arrival of the Police. He will be supplied in return by the Police with lists of stolen property.

[Subsidiary]

6. The licensee shall admit any Police Officer not below the rank of Sergeant or any Police Officer authorised in writing by the Licensing Officer, to his premises to search for stolen property at any time.

FOURTH SCHEDULE

(Rule 8)

PARTICULARS REQUIRED TO BE ENTERED IN PURCHASE LEDGER

- (a) Serial number;
- (b) Date of purchase;
- (c) Description of goods*;
- (d) Price paid;
- (e) Name of seller;
- (f) Address of seller.

* When goods are bought by weight the weight should be given.

FIFTH SCHEDULE

(Rule 9)

PARTICULARS REQUIRED TO BE ENTERED IN SALES LEDGER

- (a) Serial number of article in Purchase Ledger;
- (b) Date of sale;
- (c) Description of goods *;
- (d) Price paid;
- (e) Name and Address of Purchaser.

* When goods are bought by weight the weight should be given.