

CHAPTER 183
OLD METAL DEALERS

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FIRST SCHEDULE

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THE LAWS OF BARBADOS

CHAPTER 183

OLD METAL DEALERS

An Act to regulate the business of dealers in old metals.

1919-7.
1992-29.

[8th May, 1919]

Commence-
ment.

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

Short title.

2. For the purposes of this Act, the expression

Interpreta-
tion.

"dealer in old metals" means 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, whether such person deals in such articles only or together with other things;

"old metal" means the said articles or any of them.

3. (1) No person shall carry on the trade or business of a dealer in old metals unless he is registered, or on other premises than those in respect of which he is registered under this Act.

Dealers in
old metals
to be
registered.

(2) Any person carrying on such trade or business without being so registered or on other premises than those in respect of which he is registered shall be liable on summary conviction, to a penalty of \$48 and, in addition, to a penalty of \$5 for each day after the first on which he continues to carry on such business without being so registered or continues to use other premises than those in respect of which he is registered.

4. The Commissioner of Police shall keep a register of dealers in old metals according to the form numbered one in the *First Schedule*.

Register to
be kept by
Commis-
sioner of
Police.
First
Schedule.

Mode of registration.

5. (1) Any person desiring to be registered as a dealer in old metals shall apply in writing to the Commissioner of Police stating his place of abode and the premises on which he desires to carry on business, and the Commissioner shall thereupon, subject as hereinafter provided and provided that the applicant is a person of good repute, register him as a dealer in old metals and shall forthwith in writing inform the applicant of such registration.

(2) Any applicant as to whom a magistrate has adjudged that he shall not carry on the business of a dealer in old metals without the permission of the Commissioner of Police as hereinafter provided shall not be registered unless such express permission be given.

Change of place of business to be notified.

6. Every dealer in old metals, upon changing his place of business, shall forthwith give notice of such change at the Central Police Station and if he continues to carry on business as a dealer in old metals without giving such notice he shall be liable on summary conviction to a penalty of \$24 and, in addition, to a penalty of \$3 for every day after the first on which he continues to carry on such business without giving such notice.

Names of those ceasing business to be removed from register.

7. (1) The Commissioner of Police shall from time to time remove from the register the names of all registered persons who have died or who may have given notice in writing that they have ceased to carry on business, by drawing a line through the same but not so as to obliterate them and shall make all necessary alterations in the addresses of the persons registered.

(2) Where the Commissioner has reason to believe that any dealer has ceased to carry on business without having given notice thereof, he shall call upon such dealer by a registered letter sent by post to the business address of such dealer on the register to state whether he is still carrying on business as a registered dealer at such address, and if such dealer fails within 14 days to satisfy the Commissioner that he is still carrying on business, the Commissioner shall thereupon remove his name from the register in the manner hereinbefore provided.

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

On conviction, magistrate may order no further dealing without permission of Commissioner of Police.

(2) The magistrate so adjudicating shall forthwith forward a certificate, signed by himself, stating the facts of such adjudication to the Commissioner of Police, who shall thereupon remove the name of the dealer so convicted from the register in the manner provided in section 7 but if any such conviction is reversed on appeal, the Commissioner shall on the application of the appellant restore his name to the register.

9. It shall be lawful for any member of the Police Force of the rank of corporal or above to visit at any time the places of business and inspect the goods and books of dealers in old metals, and such member of the Police Force shall, and is hereby empowered to record, in the book hereinafter required to be kept by every such dealer in old metals, the day and hours of his visit and to place opposite the entry of every article examined by him his name or initials in attestation of the same.

Police officers may inspect goods and books of dealers.

10. (1) Every dealer in old metals shall conform to the following regulations, that is to say

Regulations to govern dealers.

(a) shall keep a book or books fairly written and shall enter therein, according to the form numbered 2 in the *First Schedule*, an account of all such old metals as he may from time to time become possessed of, stating in respect of each article the name of the person who purchased or received the same, and the time at which and the name of the person from whom he purchased or received the same, adding in the case of every such last-mentioned person, a description of his business and place of abode; and

First Schedule.

(b) shall enter in such book or books, according to the form numbered 3 in the *First Schedule*, an account of all such old metals as he may from time to time sell or dispose of, stating in

respect of such old metals the name of the person to whom he sold or disposed of the same, adding a description of his business and place of his abode;

- (c) shall not, by himself or by any other person, purchase or receive any old metals of any description before 7.00 a.m. nor after 6.00 p.m. 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 16 years, nor shall he employ any servant or apprentice or any other person under the age of 16 years to purchase or receive old metals of any description;
- (d) shall call upon every person offering old metals for sale to produce the certificate required by section 3 of the *Sale of Old Metals Act*, and where such certificate is not produced, shall report the fact to the nearest police constable;
- (e) shall produce to any member of the Police Force of the rank of corporal or above, whenever requested to do so, the book or books required to be kept as aforesaid and any old metals purchased or received by him then in his possession;
- (f) 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 to the description of any articles which have been stolen, or fraudulently obtained, of which printed or written information containing a description of such articles is given to him by an officer of the Police Force;
- (g) shall keep all old metals purchased or received by him without changing the form in which such articles were when so purchased, or disposing of the same in any way, for a period of 6 days after such articles have been purchased or received;
- (h) shall not ship or export from Barbados any old metal

unless it has been inspected by an engineer approved by the Comptroller of Customs, not connected with the person or firm shipping or exporting the same.

(2) Every entry in any book mentioned in paragraphs (a) or (b) of subsection (1) shall be deemed and taken, unless the contrary is shown, to have been made by or with the authority of the dealer in old metals to whom such book belongs.

(3) For the purposes of paragraph (e) of subsection (1), 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 such old metals having been made by him.

(4) The old metal mentioned in paragraph (h) of subsection (1) shall be seen in its original form, and the engineer shall make out and deliver to the Comptroller of Customs a detailed description of the articles comprising such old metal, giving the weight, kind and variety of the same.

(5) For any act or default contrary to the foregoing regulations done or made by any dealer in old metals, he shall on summary conviction be liable for a first offence to a penalty of not less than five dollars and not exceeding twenty-four dollars, and for every subsequent offence to a penalty of not less than twenty-four dollars and not exceeding ninety-six dollars.

11. Any dealer in old metals who, either personally or by any servant or agent, purchases, receives or bargains for any metals mentioned in the first column of the Second Schedule, whether new or old, in any quantity at one time of less weight than the quantity set opposite each such metal in the second column of the Second Schedule shall, on being convicted thereof, be liable to a penalty of forty-eight dollars.

Minimum weights to be purchased.

Second Schedule.

12. 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 such register, if the same purports to be signed by the Commissioner of Police shall, without proof of the signature, be received in all courts as *prima facie* proof of the facts stated therein.

Extract from register to be evidence.

THE LAWS OF BARBADOS

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FIRST SCHEDULE

FORM 1

Register of Dealers in Old Metals

Name	Place of Abode and Business	Date of Registration

FORM 2

Entry of Purchases and Receipts of Old Metals

Name of person who purchased or received	Name of person from whom 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

FORM 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

SECOND SCHEDULE

s. 11.

List of Metals	Quantities of not less than
Lead, or any composite the principal ingredient of which is lead	56 lbs.
Copper, or any composite the principal ingredient of which is copper	10 lbs.
Brass, or any composite the principal ingredient of which is brass	10 lbs.
Tin, or any composite the principal ingredient of which is tin	10 lbs.
Pewter, or any composite the principal ingredient of which is pewter	10 lbs.
German silver or spelter, or any composite the principal ingredient of which is German silver or spelter	1 lb.

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