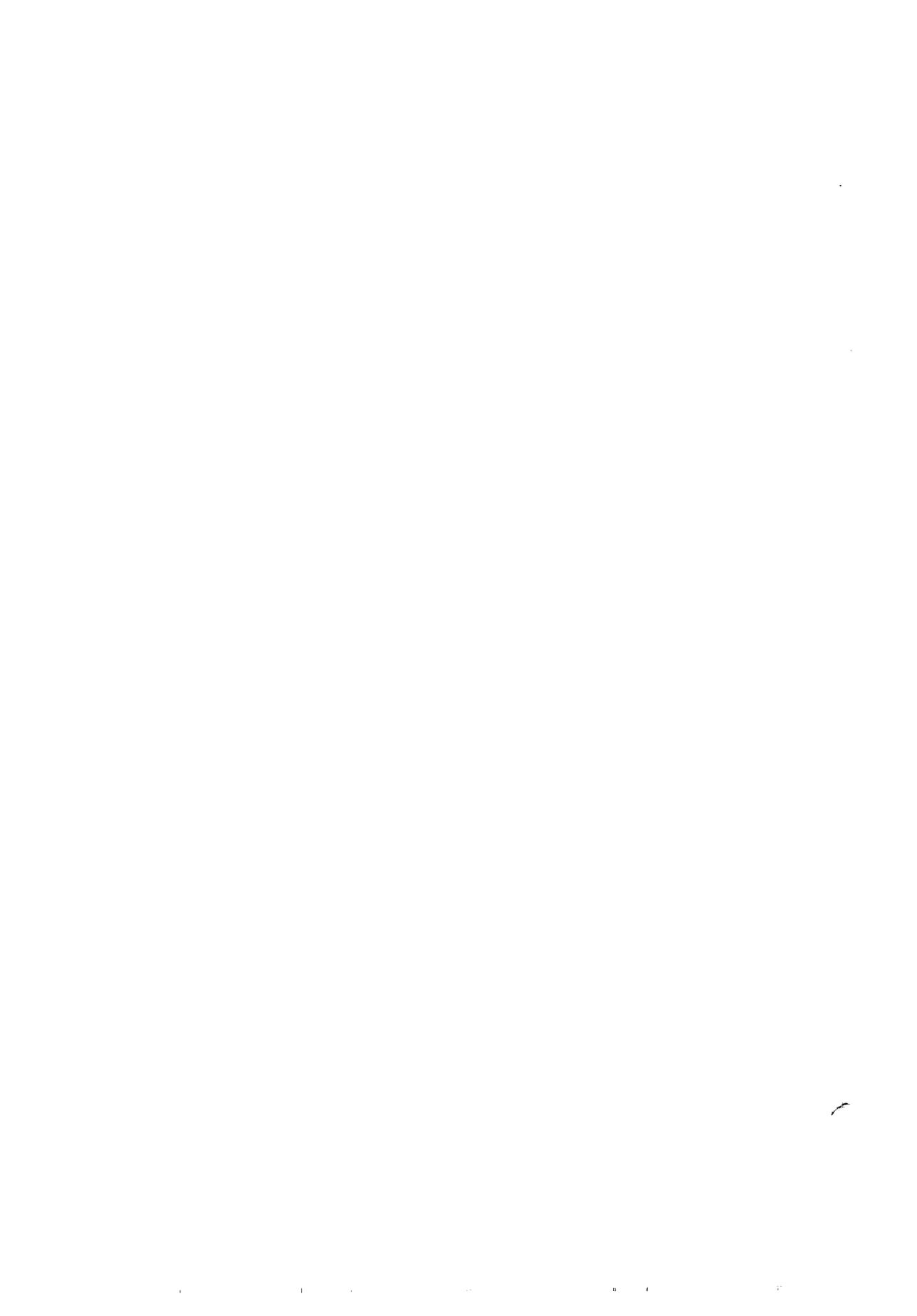


CHAPTER 150**SALE OF OLD METALS****ARRANGEMENT OF SECTIONS****SECTION**

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CHAPTER 150

SALE OF OLD METALS

An Act to interdict the sale of old gold, silver, iron, copper, lead, and other metals without a certificate; and for more effectually preventing the purchase and exportation of stolen articles of the like description. 1848-2.
L.N. 168/
1967.

[29th August, 1848] Commence-
ment.

1. This Act may be cited as the Sale of Old Metals Act. Short title.

2. For the purposes of this Act, the expression— Interpretation.

“certificate” means a certificate given by a magistrate under subsection (1) of section 3;

“old metals” means old gold, silver, iron, copper, lead, brass or other metal.

3. (1) It shall not be lawful for any person to sell or barter or to expose or offer for sale or barter or to have in his possession for the purpose of sale or barter any old metals, unless such person has a certificate, under the hand of the magistrate of the district in which he resides that he is, to the best of the knowledge and belief of the magistrate, lawfully entitled to have possession of or to dispose of such old metals. Selling old metals without a certificate from a magistrate.

(2) Any person selling or bartering, or exposing or offering for sale or barter or having in his possession for the purpose of sale or barter any old metals without a certificate, shall be deemed to have come by the same unlawfully, and being convicted thereof before any magistrate shall forfeit the same, and shall be liable to a fine of twenty-four dollars or to imprisonment for three months.

(3) It shall be competent for any person so charged before any magistrate to prove that he was lawfully in the possession of such old metals.

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Purchasing
old metals
from persons
not having
a certificate.

4. (1) It shall not be lawful for any person whatsoever to purchase or to obtain by purchase or barter or otherwise from any person any old metals unless such person produces a certificate.

(2) Any person so purchasing or obtaining by purchase or barter any old metals shall on due proof thereof being made before any magistrate forfeit the old metals and shall be liable to a fine of forty-eight dollars or to imprisonment for three months.

Persons
found in the
streets with
old metals in
their pos-
session
without
certificate.

5. Where any police officer or constable meets or encounters on any highway or road or in any street, lane or alley or other public place of any town in this Island any person who has in his possession or whom he has just cause to suspect of having in his possession any old metals, it shall be lawful for such police officer or constable, and he is hereby authorised and required, to demand from him a certificate and, in default of its being produced, to apprehend the person so offending against this Act and to take him with such articles to the nearest police station and to detain him in custody, until such time as he can be brought before a magistrate and the case be heard and determined.

Persons
offering for
sale old
metals
suspected
to have been
stolen.

6. (1) Where any person offers for sale or barter any old metals and the person to whom it is so offered suspects the same to have been stolen or unlawfully obtained, it shall be lawful for such person to whom it is so offered, and such person is hereby required, to detain the person offering for sale or barter any such old metals, until a police officer can be procured and to deliver the person so detained in charge to such police officer, and such police officer shall take such person before the nearest magistrate, who is required to investigate the circumstances.

(2) Where the person so in charge does not satisfy the magistrate that he came honestly by such old metals, the magistrate shall commit such person to prison and advertise such old metals in the *Official Gazette*, with a view to discovering the owner or owners thereof.

(3) Where, within the space of ten days from the detention of the person offering such old metals for sale or barter, the

owner thereof appears and proves his right thereto, then the magistrate shall commit the person for trial for larceny.

(4) Where the owner does not appear within the space of ten days, then such old metals shall be forfeited and the magistrate shall sentence the person so in charge under subsection (2) to pay a fine not exceeding twenty-four dollars or to imprisonment for any period not exceeding three months.

7. The person detaining or causing any suspected person or persons to be detained under subsection (1) of section 6, shall be entitled to a reward not exceeding forty-eight dollars to be awarded by the magistrate in every case where such suspected person fails to satisfy the magistrate that he was the lawful owner of the property so offered for sale or barter.

Reward for detaining suspected person.

8. Where the rightful owner of any article seized under the authority of this Act proves to the satisfaction of the magistrate before whom it is brought that such article was his lawful property and that the same had been stolen or taken from his possession, it shall be lawful for the magistrate to restore it to such owner, and he is hereby directed and required to restore the same accordingly, anything in this Act contained to the contrary notwithstanding.

Stolen property to be restored to its owner.

9. All penalties imposed by this Act, where the recovery thereof is not otherwise provided for, shall be recovered before a magistrate in a summary manner and one-half thereof shall be paid to the informer.

Application of penalties.

10. No information or action shall be laid, commenced or prosecuted for any offence under this Act or for the recovery of any penalties incurred under this Act, after the expiration of twelve months after such offence was committed or discovered.

All informations to be laid within twelve months.

11. All magistrates are hereby authorised and required to grant certificates without demanding any fee.

Certificates for selling old metals to be granted gratis.

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