



Australian Capital Territory

Pawnbrokers Act 1902 No 66

Republication No 5

Republication date: 7 October 2002

Last amendment made by Act 2002 No 27

Amendments incorporated to 7 October 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Pawnbrokers Act 1902* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 7 October 2002. It also includes any amendment, repeal or expiry affecting the republished law to 7 October 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Pawnbrokers Act 1902

Contents

| | | Page |
|---------------|--|------|
| Part 1 | Preliminary | |
| 1 | Name of Act | 2 |
| 2 | Dictionary | 2 |
| 3 | Notes | 2 |
| 4 | Application of Act | 3 |
| Part 2 | Licences | |
| 5 | Issue of licences | 4 |
| Part 3 | Business of pawnbroking | |
| 6 | Pawnbrokers must be licensed | 5 |
| 7 | Name of pawnbroker etc to be displayed on premises | 5 |

Contents

| | Page |
|--|------|
| 8 Pawnbrokers—carrying on business | 5 |
| 9 Records of pawned articles received | 6 |
| 10 Duplicates of records | 7 |
| 11 Production of duplicates | 7 |
| 12 Holders of duplicates taken to be owners of pawned articles | 7 |
| 13 Period for sale or disposal of pawned articles | 8 |
| 14 Selling or disposing before end of redemption period | 9 |
| 15 Method of sale for certain pawned articles | 9 |
| 16 Pawnbroker not to buy pawned article | 9 |
| 17 Application of proceeds of sale | 9 |
| 18 Records of pawned articles sold or disposed of | 10 |
| 19 Inspection of records | 11 |
| 20 Persons attempting to redeem article when not entitled to do so may be apprehended | 11 |
| Part 4 | |
| Miscellaneous | |
| 21 Working out whether person <i>suitable</i> | 12 |
| 22 Cancellation and suspension of licences | 12 |
| 23 Register of licences | 13 |
| 24 Keeping of register | 13 |
| 25 False or misleading information | 13 |
| 26 Magistrates Court may order return of article | 14 |
| 27 Determination of fees and charges | 14 |
| 28 Approved forms | 14 |
| 29 Regulation-making power | 15 |
| Part 5 | |
| Transitional | |
| 30 Definitions for pt 5 | 16 |
| 31 Existing applications for licences | 16 |
| 32 Expiry of pt 5 | 16 |
| Dictionary | 17 |
| Endnotes | |
| 1 About the endnotes | 19 |

Contents

| | | Page |
|---|------------------------|------|
| 2 | Abbreviation key | 19 |
| 3 | Legislation history | 20 |
| 4 | Amendment history | 21 |
| 5 | Earlier republications | 27 |

Amendments incorporated to
7 October 2002



Australian Capital Territory

Pawnbrokers Act 1902

An Act to provide for the licensing and regulation of pawnbrokers, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Pawnbrokers Act 1902*.

2 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act.

For example, the signpost definition '*suitable person*—see section 21 (Working out whether person *suitable*).' means that the expression 'suitable person' is defined in that section.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

3 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

court means the Magistrates Court.

licence means a licence granted under this Act to carry on the trade or business of a pawnbroker.

pawnbroker means a person who carries on business or seeks his or her livelihood in or by advancing on interest, or for or in expectation of profit, gain, or reward, any sum of money on security, whether collateral or otherwise, of any article taken by the person by way of pawn, pledge, or security.

registrar means the registrar of the Magistrates Court.

4 Application of Act

This Act does not apply to loans or advances made on any goods, chattels, livestock, wool, bonds, bills, title deeds, or other security by merchants, bankers, commission agents, brokers, or licensed auctioneers in the ordinary and genuine course of mercantile or banking transactions if the interest on the loans or advances does not exceed the rate of 14% per annum.

Part 2 Licences

5 Issue of licences

- (1) If a person applies to the commissioner for a licence, or for renewal of a licence, the commissioner must issue a licence to the person or renew the licence if—
 - (a) the application complies with this Act; and

Note If a form is approved under s 28 (Approved forms) for an application, the form must be used.

 - (b) if the person is an individual—the person is 18 years old or older; and
 - (c) the person is a suitable person; and
 - (d) if the person is a partner applying for a licence on behalf of the partnership—each other partner is a suitable person.
- (2) A licence must state each premises where the holder of the licence may carry on business as a pawnbroker.
- (3) A licence may be issued for up to 1 year.

Part 3 Business of pawnbroking

6 Pawnbrokers must be licensed

A person must not carry on business as a pawnbroker unless the person is licensed as a pawnbroker.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

7 Name of pawnbroker etc to be displayed on premises

- (1) A licensed pawnbroker must clearly display on the outside of each premises where the pawnbroker carries on business, in letters at least 5cm high—
 - (a) his or her full name; and
 - (b) the words ‘licensed pawnbroker’.
- (2) A licensed pawnbroker must not, without reasonable excuse, contravene subsection (1).

Maximum penalty: 5 penalty units.

8 Pawnbrokers—carrying on business

- (1) A licensed pawnbroker must not carry on business as a pawnbroker at a place other than premises stated in the licence.

Maximum penalty: 50 penalty units.

- (2) A licensed pawnbroker must not, without reasonable excuse, fail to produce his or her licence on demand made by a police officer at premises stated in the licence.

Maximum penalty: 5 penalty units.

- (3) A licensed pawnbroker must not buy, receive or take in pawn an article from a person if the pawnbroker believes or has reasonable grounds to believe that the person is—

- (a) under 14 years old; or
- (b) drunk.

Maximum penalty: 30 penalty units.

9 Records of pawned articles received

- (1) This section applies if a licensed pawnbroker takes in pawn an article on which money is to be lent to a person.
- (2) Before giving the money to the person, the pawnbroker must make a record for the article that contains the following information:
 - (a) an accurate description of the article;
 - (b) the amount to be lent;
 - (c) the rate of interest to be charged on the amount, by the week or month;
 - (d) the date the article is pawned;
 - (e) the name and home address given by the person;
 - (f) if the period for redemption of the article is longer than 3 months—the period.
- (3) The pawnbroker must not give the money to the person unless the pawnbroker reasonably believes that the name and address given by the person is accurate.
- (4) A licensed pawnbroker must, in each calendar year, consecutively number the records for pawned articles made under this section, starting at 1 for the first pawned article.
- (5) A licensed pawnbroker who, without reasonable excuse, contravenes this section commits an offence.

Maximum penalty: 20 penalty units.

10 Duplicates of records

- (1) If a licensed pawnbroker takes in pawn an article on which money is to be lent to a person, the pawnbroker must give the person (without charge) a duplicate of the record mentioned in section 9 (2) (Records of pawned articles received) signed by the pawnbroker.

Maximum penalty: 5 penalty units.

- (2) If the person does not take the duplicate, the pawnbroker must return the article to the person.

11 Production of duplicates

- (1) A person (the *person*) who pawned an article with a licensed pawnbroker (the *pawnbroker*) must produce the duplicate for the article to redeem the article, unless the duplicate is lost or stolen.
- (2) If the person does not have the duplicate because it is lost or stolen, the person must give the pawnbroker a statutory declaration made by the person that sets out the circumstances of the loss or theft.
- (3) The pawnbroker must give a copy of the record for the article, signed by the pawnbroker, to the person if—
 - (a) the pawnbroker is satisfied that the statutory declaration gives an adequate explanation of the loss or theft; and
 - (b) the article has not been redeemed; and
 - (c) the person asks for a copy of the record.

Maximum penalty (subsection (3)): 5 penalty units.

12 Holders of duplicates taken to be owners of pawned articles

- (1) This section applies if a person—
 - (a) produces the duplicate for a pawned article to the licensed pawnbroker who gave the duplicate; and
 - (b) claims to be the owner or authorised by the owner; and

- (c) asks to redeem the article.
- (2) The person is taken to be the owner of the article, or authorised by the owner and entitled to redeem the article.
- (3) However, subsection (2) does not apply if—
 - (a) the pawnbroker has notice from the real owner that the duplicate was lost or stolen; or
 - (b) the pawnbroker reasonably believes that the article was stolen from the real owner.
- (4) If the pawnbroker refuses to give the article to the person mentioned in subsection (1), the pawnbroker must—
 - (a) tell a police officer immediately about the refusal and the reasons for it; and
 - (b) give the officer the person's name and home address or a description of the person.
- (5) A licensed pawnbroker must not, without reasonable excuse, contravene subsection (4).

Maximum penalty: 5 penalty units.

13 Period for sale or disposal of pawned articles

- (1) The period during which a pawned article may be redeemed (the *redemption period*) is—
 - (a) 3 months; or
 - (b) if a longer period is agreed to by the licensed pawnbroker and the person pawning the article—the longer period.
- (2) A pawned article that is not redeemed by the end of the redemption period for the article is forfeited to the licensed pawnbroker who has the article, and may be sold or disposed of in another way.
- (3) An agreement for the forfeiture of a pawned article before the end of 3 months is void.

14 Selling or disposing before end of redemption period

A licensed pawnbroker must not sell, or dispose of in another way, a pawned article before the end of the redemption period for the article.

Maximum penalty: 50 penalty units

15 Method of sale for certain pawned articles

- (1) This section applies to an article—
 - (a) taken in pawn by a licensed pawnbroker from a person; and
 - (b) on which more than \$500 was lent to the person by the pawnbroker; and
 - (c) that is forfeited under this Act.
- (2) The article must be sold by public auction.
- (3) On 2 separate occasions at least 4 days before the proposed sale, the pawnbroker must publish a written notice about the sale in a newspaper published and circulating in the ACT.
- (4) The notice must contain a list of the articles to be sold by auction and the date each article was pawned.
- (5) A licensed pawnbroker who sells an article otherwise than in accordance with this section must pay the owner of the article \$500.

16 Pawnbroker not to buy pawned article

If a licensed pawnbroker or a person acting on behalf of the pawnbroker buys an article pawned with the pawnbroker, the purchase is not valid against the owner.

17 Application of proceeds of sale

- (1) This section applies if—
 - (a) a pawned article is sold by the licensed pawnbroker with whom the article was pawned; and

- (b) there is a surplus; and
 - (c) the person by or for whom the article was pawned claims the surplus within 12 months of the sale.
- (2) Within 2 days of the person's claim, the pawnbroker must pay the person the surplus, less any necessary charges relating to the sale.
- (3) A licensed pawnbroker must not, without reasonable excuse, contravene subsection (2).

Maximum penalty: 50 penalty units.

- (4) In this section:

surplus means the amount remaining after the following are subtracted from the amount paid for the article:

- (a) the amount lent by the pawnbroker on the security of the article (*the advance*);
- (b) any interest due at the time of the sale of the article in relation to the advance.

18 Records of pawned articles sold or disposed of

- (1) This section applies if a licensed pawnbroker sells or otherwise disposes of a pawned article.
- (2) The pawnbroker must make a record for the article that contains the following information:
- (a) the record number for the article made under section 9 (4) (Records of pawned articles received);
 - (b) the date the article was pawned;
 - (c) the name given by the person who pawned the article;
 - (d) the date the article was sold or disposed of;
 - (e) the amount for which the article was sold.

Maximum penalty: 20 penalty units.

- (3) A pawnbroker must not knowingly or recklessly make a false record under this section.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

19 Inspection of records

- (1) This section applies if—
- (a) a licensed pawnbroker sells or otherwise disposes of a person's pawned article; and
 - (b) the person produces the duplicate for the article; and
 - (c) the person asks to inspect the record about the sale or disposal.
- (2) The pawnbroker must let the person inspect the record.

Maximum penalty: 5 penalty units.

20 Persons attempting to redeem article when not entitled to do so may be apprehended

If any person not entitled nor having any colour of title by law to redeem any article in pledge or pawn attempts or endeavours to redeem the article, the pawnbroker with whom the article is in pledge, or the servant or agent of the pawnbroker, may seize and detain the person and deliver him or her immediately to the custody of a police officer to be dealt with according to law.

Part 4 Miscellaneous

21 Working out whether person *suitable*

- (1) This section applies in working out for this Act whether a person is a *suitable person*.
- (2) A person is a suitable person if the person is not *disqualified*.
- (3) A person is *disqualified* if the person or, if the person is a corporation, the corporation or an executive officer of the corporation—
 - (a) has committed—
 - (i) an offence against this Act or a corresponding law of a State or foreign country; or
 - (ii) an offence involving fraud or dishonesty in Australia or a foreign country; or
 - (b) has been refused a licence, or had a licence cancelled or revoked, under this Act or a corresponding law of a State.
- (4) However, even if a person is disqualified, the Magistrates Court may declare that the person is a suitable person if satisfied that the person is unlikely to be disqualified again.
- (5) If a person is disqualified after being declared by the Magistrates Court to be a suitable person, the person is no longer a suitable person.

22 Cancellation and suspension of licences

- (1) The Magistrates Court may cancel a person's licence, on application by anyone claiming that—
 - (a) the person is not a suitable person; or

Note A corporation licensed as a pawnbroker is disqualified, and therefore not a suitable person, if a thing mentioned in section 21 (3) (a) or (b)

(Working out whether person *suitable*) applies to the corporation or an executive officer of the corporation.

- (b) if the person is a partner who holds the licence on behalf of a partnership—the person or any other partner is not a suitable person.
- (2) The Magistrates Court may suspend the person’s licence until the application is decided.

23 Register of licences

- (1) The commissioner must keep a register of licences under this Act.
- (2) The register must be available for public inspection at reasonable times.

24 Keeping of register

- (1) The register may include information about licences given to the commissioner under this Act and any other information the commissioner considers appropriate.
- (2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any form the commissioner considers appropriate.
- (3) The commissioner may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.
- (4) This section does not limit the functions of the commissioner in relation to the register.

25 False or misleading information

A person must not, in relation to an application for a licence—

- (a) provide information that the person knows is false or misleading in a material particular; or

- (b) omit information without which the application is, to the person's knowledge, misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

26 Magistrates Court may order return of article

- (1) This section applies if—
 - (a) a pawned article was pawned unlawfully; and
 - (b) the Magistrates Court is satisfied about the ownership of the article.
- (2) The Magistrates Court may order that the article be returned to the owner and that the person with whom the article was pawned pay compensation to the owner.

27 Determination of fees and charges

- (1) The Minister may, in writing, determine fees and charges for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees and charges (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

28 Approved forms

- (1) The commissioner may, in writing, approve forms for this Act.
- (2) An approved form that is an application for, or for renewal of, a licence may include a consent for a police officer to make inquiries about any criminal record of—
 - (a) the applicant; or
 - (b) if the applicant is a partner applying for a licence on behalf of the partnership—each partner; or

- (b) if the applicant is a corporation—the applicant and each executive officer of the applicant.
- (3) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (4) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

29 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Part 5 Transitional

30 Definitions for pt 5

In this part:

amendment Act means the *Justice and Community Safety Legislation Amendment Act 2002*.

commencement means the commencement of the amendment Act, part 9 (Pawnbrokers Act 1902).

current Act means the *Pawnbrokers Act 1902*, as in force after the commencement.

previous Act means the *Pawnbrokers Act 1902*, as in force immediately before the commencement.

31 Existing applications for licences

An application made by a person for a licence under the previous Act, section 6 (Applications for licences) that has not been finally dealt with by the Magistrates Court before the commencement is taken, after the commencement, to be an application made by the person under the current Act, section 5 (Issue of licences).

32 Expiry of pt 5

This part expires 6 months after it commences.

Dictionary

(see s 2)

Note 1 The *Legislation Act 2001* contains definitions and other provisions relevant to this Act.

Note 2 In particular, the *Legislation Act 2001*, dict, pt 1, defines the following terms:

- commissioner for fair trading
- police officer
- statutory declaration

article includes a chattel or goods.

commissioner means the commissioner for fair trading.

disqualified—see section 21 (Working out whether person *suitable*).

duplicate, for a pawned article—see section 10 (1) (Duplicates of records).

executive officer, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

licence means a pawnbrokers licence under this Act.

licensed pawnbroker means a person who is licensed under this Act as a pawnbroker.

pawnbroker means a person who carries on the business of lending money on the security of an article taken by the person by way of pawn, pledge or as security.

pawned article means an article taken by a licensed pawnbroker by way of pawn, pledge or as security.

redemption period—see section 13 (1) (Period for sale of pawned articles).

suitable person—see section 21 (Working out whether person *suitable*).

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | p = page |
| cl = clause | par = paragraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | prov = provision |
| exp = expires/expired | pt = part |
| Gaz = Gazette | r = rule/subrule |
| hdg = heading | reg = regulation/subregulation |
| IA = Interpretation Act 1967 | renum = renumbered |
| ins = inserted/added | reloc = relocated |
| LA = Legislation Act 2001 | R[X] = Republication No |
| LR = legislation register | RI = reissue |
| LRA = Legislation (Republication) Act 1996 | s = section/subsection |
| mod = modified / modification | sch = schedule |
| No = number | sdiv = subdivision |
| num = numbered | sub = substituted |
| o = order | SL = Subordinate Law |
| om = omitted/repealed | <u>underlining</u> = whole or part not commenced or to be expired |

Endnotes

3 Legislation history

3 Legislation history

This Act was originally a NSW Act—the *Pawnbrokers Act 1902* No 66 (NSW).

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former NSW laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967*, s 65 (now expired) all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

NSW legislation

Pawnbrokers Act 1902 No 66

assented to 4 September 1902
commenced 4 September 1902

Commonwealth legislation

as amended by

Magistrates Court Ordinance 1985 No 67

notified 19 December 1985 (Cwlth Gaz 1985)
commenced 1 February 1986 (Cwlth Gaz 1986 No G3)

New South Wales Acts Act 1986 No 91

notified 12 January 1987 (Cwlth Gaz 1987)
commenced 12 January 1987

Legislation after becoming Territory enactment

Pawnbrokers (Amendment) Act 1990 No 33

notified 30 Oct 1990 (Gaz 1990 No S72)
ss 1-3 commenced 30 Oct 1990 (s 2 (1))
remainder commenced 1 Dec 1990 (s 2 (2) and Gaz 1990 No 46)

Magistrates and Coroner's Courts (Registrar) Act 1991 No 44 s 9

notified 20 Sept 1991 (Gaz 1991 No S95)
 s 1, s 2 commenced 20 Sept 1991 (s 2 (1))
 s 9 commenced 25 Sept 1991 (s 2 (2) and Gaz 1991 No S103)

Statute Law Revision (Penalties) Act 1994 No 81 sch

notified 29 Nov 1994 (Gaz 1994 No S253)
 s 1, s 2 commenced 29 Nov 1994 (s 2 (1))
 sch commenced 29 Nov 1994 (s 2 (2) and Gaz 1994 No S269)

Pawnbrokers (Amendment) Act 1995 No 15

notified 30 June 1995 (Gaz 1995 No S135)
 commenced 30 June 1995 (s 2)

Law Reform (Miscellaneous Provisions) Act 1999 No 66

notified 10 Nov 1999 (Gaz 1999 No 45)
 commenced 10 Nov 1999 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 276

notified 26 July 2001 (Gaz 2001 No 30)
 s 1, s 2 commenced 26 July 2001 (IA s 10B)
 pt 276 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.39

notified 5 September 2001 (Gaz 2001 No S65)
 commenced 5 September 2001 (s 2 (1))

Justice and Community Safety Legislation Amendment Act 2002 No 27 pt 9, pt 1.1

notified LR 9 September 2002
 s 1, s 2 commenced 9 September 2002 (LA s 75)
 pt 9, pt 1.1 commenced 7 October 2002 (s 2 (2))

4 Amendment history

The *New South Wales Acts Act 1986* (previously the *New South Wales Acts Ordinance 1986*), sch 2, pt 2 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. This endnote, therefore, only details amendments made after that date.

Title

title sub 2002 No 27 amdt 1.1

Name of Act

s 1 sub 2001 No 56 amdt 3.450

Endnotes

4 Amendment history

Dictionary

s 2 ins 2002 No 27 amdt 1.2

Notes

s 3 sub 2002 No 27 amdt 1.2
def **charge** am 1995 No 15 s 4
om 2002 No 27 amdt 1.2
def **convicted** am 1995 No 15 s 4
om 2002 No 27 amdt 1.2
def **court** am 1995 No 15 s 4
om 2002 No 27 amdt 1.2
def **registrar** am 1995 No 15 s 4
om 2002 No 27 amdt 1.2

Application of Act

s 4 hdg sub 2002 No 27 amdt 1.3
s 4 am 2002 No 27 amdt 1.4, amdt 1.5

Licences

pt 2 hdg sub 2002 No 27 s 29

Pawnbrokers to be licensed

s 5 sub 1990 No 33 s 4
am 1994 No 81 sch
sub 2002 No 27 s 29

Pawnbrokers must be licensed

s 6 am 1991 No 44 s 9
sub 1995 No 15 s 5
am 2001 No 44 amdt 1.3099, amdt 1.3100
om 2002 No 27 s 29
ins 2002 No 27 amdt 1.6

Licences

s 6A ins 1995 No 15 s 5
am 2001 No 56 amdt 3.451
om 2002 No 27 s 29

Name of pawnbroker etc to be displayed on premises

s 7 sub 1995 No 15 s 5
am 2001 No 56 amdt 3.452
om 2002 No 27 s 29
ins 2002 No 27 amdt 1.6

Objections to granting of licences

s 7A sub 1995 No 15 s 5
sub 2001 No 56 amdt 3.453
om 2002 No 27 s 29

Pawnbrokers—carrying on business

s 8 hdg ins 2002 No 27 s 30
s 8 am 1991 No 44 s 9
sub 1995 No 15 s 5
am 2001 No 44 amdt 1.3101, amdt 1.3102; 2001 No 56 amdt
3.454, amdt 3.455
om 2002 No 27 s 29
ins 2002 No 27 s 31
am 2002 No 27 amdt 1.7

Duration of licences

s 8A ins 1995 No 15 s 5
om 2002 No 27 s 29

Record of licences to be kept

s 8B ins 1995 No 15 s 5
om 2002 No 27 s 29

Records of pawned articles received

s 9 am 1990 No 33 s 5; 1994 No 81 sch
om 2002 No 27 s 29
ins 2002 No 27 amdt 1.9

Duplicates of records

s 10 om 2002 No 27 s 29
ins 2002 No 27 amdt 1.9

Production of duplicates

s 11 am 1990 No 33 s 6; 1994 No 81 sch
om 2002 No 27 amdt 1.6
ins 2002 No 27 amdt 1.9

Holders of duplicates taken to be owners of pawned articles

s 12 sub 1990 No 33 s 7
am 1994 No 81 sch
om 2002 No 27 amdt 1.8
ins 2002 No 27 amdt 1.9

Period for sale or disposal of pawned articles

s 13 am 1990 No 33 s 8, sch; 1994 No 81 sch; 2001 No 56 amdt
3.456
sub 2002 No 27 amdt 1.9

Selling or disposing before end of redemption period

s 14 am 1990 No 33 s 9, sch; 1994 No 81 sch; 2001 No 56
amdt 3.457
sub 2002 No 27 amdt 1.9

Method of sale for certain pawned articles

s 15 am 1990 No 33 s 10, sch; 1994 No 81 sch
sub 2002 No 27 amdt 1.9

Endnotes

4 Amendment history

Pawnbroker not to buy pawned article

s 16 am 1990 No 33 s 11, sch; 1994 No 81 sch; 2001 No 56
amdt 3.458, amdt 3.459
sub 2002 No 27 amdt 1.9

Application of proceeds of sale

s 17 sub 2002 No 27 amdt 1.9

Records of pawned articles sold or disposed of

s 18 sub 1990 No 33 s 12
am 1994 No 81 sch
sub 2002 No 27 amdt 1.9

Inspection of records

s 19 am 1990 No 33 s 13; 1994 No 81 sch; 1999 No 66 s 6 sch 3
sub 2002 No 27 amdt 1.9

Pawnbroker not to purchase

s 20 orig s 20 am 1990 No 33 sch
om 2002 No 27 amdt 1.9
(prev s 29) am 1990 No 33 sch; 2001 No 56 amdt 3.460
renum 2002 No 27 amdt 1.11

Miscellaneous

pt 4 hdg sub 2002 No 27 amdt 1.12

Working out whether person suitable

s 21 sub 1990 No 33 s 14, sch
am 1994 No 81 sch
om 2002 No 27 amdt 1.9
ins 2002 No 27 s 32

Cancellation and suspension of licences

s 22 am 1990 No 33 s 15, sch; 1994 No 81 sch
om 2002 No 27 amdt 1.9
ins 2002 No 27 s 32

Register of licences

s 23 sub 1990 No 33 s 16
am 1994 No 81 sch
om 2002 No 27 amdt 1.9
ins 2002 No 27 s 32

Keeping of register

s 24 sub 1990 No 33 s 16
am 1994 No 81 sch
om 2002 No 27 amdt 1.10
ins 2002 No 27 s 32

False or misleading information

s 25 om 1990 No 33 s 17
ins 2002 No 27 s 32

Magistrates Court may order return of article

s 26 am 1990 No 33 s 18, sch; 1994 No 81 sch
om R2 LRA
ins 2002 No 27 amdt 1.14

Determination of fees and charges

s 27 ins 2002 No 27 s 33

Approved forms

s 28 ins 2002 No 27 s 33

Regulation-making power

s 29 orig s 29 renum as s 20
ins 2002 No 27 s 33

Transitional

pt 5 hdg ins 2002 No 27 s 34
exp 7 April 2003 (s 32)

Definitions for pt 5

s 30 ins 2002 No 27 s 34
def **amendment Act** ins 2002 No 27 s 34
def **commencement** ins 2002 No 27 s 34
def **current Act** ins 2002 No 27 s 34
def **previous Act** ins 2002 No 27 s 34
exp 7 April 2003 (s 32)

Existing applications for licences

s 31 am 1995 No 15 s 6
om 2002 No 27 amdt 1.13
ins 2002 No 27 s 34
exp 7 April 2003 (s 32)

Expiry of pt 5

s 32 sub 1990 No 33 s 19
am 1991 No 44 s 9; 1995 No 15 s 6
om 2002 No 27 amdt 1.13
ins 2002 No 27 s 34
exp 7 April 2003 (s 32)

Advertisements

s 33 sub 1990 No 33 s 19
am 1994 No 81 sch
om 2002 No 27 amdt 1.13

Lending licences

s 34 am 1990 No 33 s 20, sch; 1994 No 81 sch; 1995 No 15 s 6
om 2002 No 27 amdt 1.13

Forged or altered licences

s 35 sub 1990 No 33 s 21
am 1994 No 81 sch
om 2002 No 27 amdt 1.13

Endnotes

4 Amendment history

Forging etc duplicates

s 36 am 1990 No 33 s 22; 1994 No 81 sch; 2001 No 56 amdt 3.461,
amdt 3.462
om 2002 No 27 amdt 1.13

Pawnbroker to produce books etc

s 37 am 1990 No 33 s 23; 1994 No 81 sch; 2001 No 56 amdt 3.463
om 2002 No 27 amdt 1.13

Court may order delivery of goods pawned on payment of compensation or otherwise

s 39 am 1995 No 15 s 6
om 2002 No 27 amdt 1.14

Penalties

s 40 om 1990 No 33 s 24

General issues

s 46 am 1990 No 33 sch
om 2002 No 27 amdt 1.15

Approved forms

s 47 ins 2001 No 44 amdt 1.3103
(4)-(7) exp 12 September 2002 (s 47 (7))
om 2002 No 27 s 33

sch hdg om 1995 No 15 s 7

sch 1 (prev first schedule) sub 1995 No 15 sch
om 2001 No 44 amdt 3.104

sch 2 hdg sub 1995 No 15 s 7
sch 2 (prev second schedule) am 1990 No 33 sch; 1991 No 44 s 9
om 2001 No 44 amdt 3.104

Dictionary

dict ins 2002 No 30 amdt 1.16
def **article** ins 2002 No 27 amdt 1.16
def **commissioner** ins 2002 No 27 amdt 1.16
def **disqualified** ins 2002 No 27 amdt 1.16
def **duplicate** ins 2002 No 27 amdt 1.16
def **executive officer** ins 2002 No 27 amdt 1.16
def **licence** ins 2002 No 27 amdt 1.16
def **licensed pawnbroker** ins 2002 No 27 amdt 1.16
def **pawnbroker** ins 2002 No 27 amdt 1.16
def **pawned article** ins 2002 No 27 amdt 1.16
def **redemption period** ins 2002 No 27 amdt 1.16
def **suitable person** ins 2002 No 27 amdt 1.16

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

| Republication No | Amendments to | Republication date |
|------------------|-----------------------|--------------------------|
| 1 | Act 1991 No 44 | 31 August 1992 |
| 2 | Act 1995 No 15 | 31 January 1998 |
| 3 | Act 2001 No 56 | 30 April 2002 |
| 4 | <u>Act 2002 No 27</u> | <u>13 September 2002</u> |

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