

THE STATUTES OF THE REPUBLIC OF SINGAPORE

PAWNBROKERS ACT (CHAPTER 222)

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Pawnbrokers Act

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An Act relating to pawnbrokers.

[1st January 1899]

1. This Act may be cited as the Pawnbrokers Act. Short title.
2. In this Act — Interpre-
tation.
7/77.
 - “pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn;
 - “pawner” means a person delivering an article for pawn to a pawnbroker;
 - “pledge” means an article pawned with a pawnbroker;
 - “Registrar” means the Registrar of Pawnbrokers appointed under section 7;
 - “shop” includes a dwelling-house and warehouse or other place of business or place where business is transacted;
 - “unfinished goods or materials” includes any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after the goods or materials are put into a state or course of manufacture or into a state for any process or operation to be performed thereupon or therewith, and before the goods or materials are completed or finished for the purpose of wear or consumption.

Pawnbrokers

Persons to be deemed pawnbrokers.

3.—(1) Any person who —

- (a) receives or takes of or from any person whomsoever any goods or chattels by way of security for the repayment of any sum or sums of money, not exceeding \$1,000 advanced thereon; or
- (b) purchases or receives or takes in goods or chattels and pays or advances or lends thereon any sum or sums of money, not exceeding \$1,000, with or under an agreement or understanding express or implied or to be from the nature and character of the dealing reasonably inferred that those goods or chattels may be afterwards redeemed or repurchased on any terms,

shall be deemed to be a person carrying on the business of taking goods and chattels in pawn, and every such transaction, article, payment, advance and loan shall be deemed a pawning, pledge or loan respectively within this Act.

(2) Nothing in this Act shall extend to any loan of money exceeding \$100 and secured by a pawn or pledge, if the rate of interest does not exceed 10% per annum and if no further or other profit or advantage is taken or agreed for on the loan, or shall extend to prevent a pawnbroker under this Act from taking in pawn goods or chattels exceeding in value the sum of \$1,000 or lending thereon a sum exceeding that amount.

Application of this Act to executors, etc., of pawnbrokers.

4. The provisions of this Act relating to pawnbrokers shall extend to and include the executors or administrators of deceased pawnbrokers, except that an executor or administrator shall not be answerable for any penalty or forfeiture personally or out of his own estate, unless the penalty or forfeiture is incurred by his own act or neglect.

Act done by employee to be deemed act of pawnbroker.

5.—(1) For the purposes of this Act, anything done or omitted to be done by the employee or agent of a pawnbroker, in the course of or in relation to the business of the pawnbroker, shall be deemed to be done or omitted, as the case may be, by the pawnbroker.

(2) Anything by this Act authorised to be done by a pawnbroker may be done by his employee or agent.

6. The rights, powers and benefits by this Act reserved to and conferred on pawners shall extend to, and be deemed to be reserved to, and conferred on, the assignees of pawners, and to and on the executors or administrators of deceased pawners; but any person representing himself to a pawnbroker to be the assign, executor or administrator of a pawn shall, if required by the pawnbroker, produce to the pawnbroker the assignment, probate, letters of administration or other instrument under which he claims.

Extension of rights, etc., of pawners to their assigns, executors, etc.

Licences

7.—(1) The Minister may appoint a Registrar of Pawnbrokers and such number of Assistant Registrars of Pawnbrokers and other officers as he may consider necessary or expedient for the purposes of this Act.

Appointment of Registrar and Assistant Registrars. 7/77.

(2) An Assistant Registrar shall have and may exercise all the powers conferred on the Registrar by this Act subject to such limitations as the Registrar sees fit to impose.

8.—(1) Every pawnbroker shall annually take out from the Registrar a licence for carrying on his business for which there shall be charged and paid before the grant of the licence such fee as the Minister may prescribe. Application for a licence shall be made in accordance with such rules as may be made under section 50.

Grant of licences by Registrar. 7/77.

(2) Licences shall be subject to such conditions, if any, as may be imposed by the Registrar in addition to those prescribed in section 9.

7/77.

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

(4) Every licence shall be dated on the day on which it is granted and shall determine on 31st December of each year.

(5) Any person who acts as a pawnbroker or holds himself out as carrying on the business of pawnbroking without having in force a valid licence granted by the Registrar shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 and, in the case of a second or subsequent conviction, shall in addition be liable to imprisonment for a term not exceeding 12 months.

*7/77
21/93.*

Conditions
subject to
which
licences may
be granted.
7/77
21/93.

9.—(1) No licence shall be granted by the Registrar to a pawnbroker in respect of any premises unless the Registrar is satisfied —

- (a) that the applicant is of good character and is a fit and proper person to carry on the business of pawnbroking;
- (b) that the premises to be licenced are suitable for use as a pawnbroker's shop;
- (c) that the premises will not be used for the conduct or transaction of any business other than that of pawnbroking;
- (d) that the applicant would obtain adequate insurance against damage, theft or loss of articles that may be pawned with him; and
- (e) that the applicant has deposited with the Accountant-General a sum of \$20,000 as security for the proper conduct of his business under the licence.

(2) The Registrar may, in his discretion, refuse to grant or renew a licence in respect of any applicant or any premises without assigning any reason.

Power of
Registrar to
cancel
licence.
7/77.

10.—(1) The Registrar may cancel a licence and forfeit the whole or such part of the money deposited with the Accountant-General under section 9 (1) (e) as the Registrar may think fit if he is satisfied that —

- (a) the licensed pawnbroker's shop is being conducted in an improper or unsatisfactory manner;
- (b) the licensee has been convicted of an offence under this Act;
- (c) the licensee has failed to comply with any of the conditions upon which the licence was granted; or
- (d) since the grant of the licence, the licensee or the premises has ceased to comply with any of the requirements set out in section 9 (1).

(2) The Registrar shall, before cancelling a licence and forfeiting any money under subsection (1), give the licensee concerned notice in writing of his intention to do so

specifying a date, not less than 14 days after the date of the notice, upon which the cancellation and forfeiture shall be made and calling upon the licensee to show cause to the Registrar why his licence should not be cancelled and why his money should not be forfeited.

(3) The Registrar, on receiving any representation from a licensee, may, instead of cancelling a licence and forfeiting any money under subsection (1), impose a penalty not exceeding \$20,000 on the licensee and may recover the penalty from any cash deposit or other form of security given by the licensee to the Registrar. 21/93.

(4) Any cancellation of a licence shall not affect the duties and liabilities of the licensee as a pawnbroker under this Act.

11. Any person aggrieved by the refusal of the Registrar to grant or renew a licence or the decision of the Registrar to cancel a licence and forfeit any money belonging to the licensee or to impose a penalty may, within 10 days of the written notification to him of the refusal, cancellation, forfeiture or imposition of the penalty, appeal in writing to the Minister whose decision shall be final and conclusive. Appeal to
Minister.
7/77.

12. Upon the expiration or sooner determination of any licence, the pawnbroker shall keep open the licensed premises daily from 8 a.m. to 6 p.m. for the redemption of articles pawned with him; and, for all purposes of this Act, except the receiving of articles in pawn, shall continue to exercise the rights and privileges and be subject to the duties and liabilities of a licensed pawnbroker until the whole of the articles held by him in pawn have been redeemed or the latest period of redemption for any of those articles has expired. Pawnshop to
keep open
after
expiration of
licence for
redemption
of articles.

13.—(1) Upon the expiration, cancellation or determination of any licence, the Registrar may, if he thinks fit in the interest of pawners, order the pawnbroker to deliver up to any police officer or any officer named in the order all pledges and books and accounts kept by him in connection with the business of pawnbroking. Power of
Registrar to
order
pawnbroker
to deliver
pledges,
books and
accounts on
expiration of
licence.
21/93.

- 21/93. (2) Any officer referred to in subsection (1) may at any time enter any shop or premises of the pawnbroker and take possession of all pledges, books and accounts and remove them to such place as the Registrar may determine.
- 21/93. (3) The Registrar shall make arrangements for any pledge taken under subsection (2) to be redeemed or, if the period of redemption of the pledge has expired, for the sale of the pledge and the payment of the surplus thereof in the like manner as if the pledge were held by the pawnbroker.
- 21/93. (4) Upon the redemption or the sale of the unredeemed pledges under subsection (3), the Registrar shall, upon payment by the pawnbroker of all expenses incurred by him, hand over to the pawnbroker an account of all sums received from the pawners as payment of moneys borrowed, including interest thereon, and all books and accounts taken under subsection (2). [12A

General obligations of pawnbroker

Description
of articles
pawned, etc.,
to be entered
in book.

14.—(1) Every pawnbroker shall —

(a) keep and use in his business such books and documents as are prescribed, and shall enter therein in a clear and legible hand, in such style of character, language or dialect as the Minister directs, the particulars required by rules, and shall make all inquiries necessary for that purpose;

Signboards.
7/77.

(b) always exhibit at or over the outer door of his shop a signboard of such size and in such position as the Registrar directs having printed thereon, in the English, Malay, Chinese and Tamil languages, the words “Pawnbroker’s Shop”; and

Copy of rates
to be
exhibited.

(c) exhibit in some convenient place in the shop, so as to be near to and visible to all comers, a legible copy of the rates of profit he may lawfully take under this Act, and also the same information in the English, Malay, Chinese and Tamil languages as is by rules required to be printed on pawn tickets.

(2) Every pawnbroker shall make such monthly returns as may be prescribed by rules made under section 50.

(3) Any pawnbroker who fails in any respect to comply with this section shall be guilty of an offence. Penalty.
[13]

Pawning, redemption and sale

15. A pawnbroker shall on taking a pledge in pawn give to the pawner a pawn ticket, and shall not take a pledge in pawn unless the pawner takes the pawn ticket. Pawnbroker to give pawn ticket.
[14]

16.—(1) A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the Second Schedule. Profit and charges allowed to pawnbroker.

(2) A pawnbroker may demand and take the charges specified in the Second Schedule.

(3) A pawnbroker shall not, in respect of a loan on a pledge, take any profit or demand or take any charge or sum whatever other than those specified in the Second Schedule.

(4) A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him.

(5) The Minister may by order amend the rate of profits and charges specified in the Second Schedule.

(6) All orders made under subsection (5) shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of 3 months from the date when the orders are so presented annulling the orders or any part thereof as from a specified date, the orders or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new orders. [15]

17. Every pledge shall be redeemable within 6 months from the day of pawning, exclusive of that day, or in the case of a pledge for a sum exceeding \$50 within such longer term as may have been specially agreed upon at the time of pawning. Period of redemption of pledge.
[16]

Forfeiture of
pledge not
exceeding
\$50 if not
redeemed.

18. A pledge pawned for any sum not exceeding \$50, if not redeemed within the time allowed by this Act, shall at the end of the time of redemption become and be the pawnbroker's absolute property. [17]

Pledge
exceeding
\$50
redeemable
until sale.

19. A pledge pawned for any sum exceeding \$50 shall further continue to be redeemable until it is disposed of as in this Act provided, although the time of redemption has expired. [18]

Sale by
auction of
pledge
exceeding
\$50.

20.—(1) A pledge pawned for any sum exceeding \$50 shall, when disposed of by the pawnbroker, be disposed of by sale by an auctioneer licensed in that behalf and not otherwise.

21/93.

(2) The sale by auction under subsection (1) shall be conducted in such manner as may be prescribed.

21/93.

(3) Where any pledge is not sold by auction in the manner prescribed under subsection (2), the Registrar shall make arrangements for the sale of the pledge by another auction or tender or in such other manner as he thinks fit.

(4) A pawnbroker may bid for and purchase at a sale by auction made under this Act a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

(5) The Minister may, by writing under his hand, license fit persons to conduct sales of forfeited pledges for such periods as in the licence are specified, and may revoke any such licence without assigning any reason. [19]

Offences by
auctioneer.
21/93.

21. Any auctioneer who does anything in contravention of this Act or any rules made thereunder relating to auctioneers, or fails to do anything which he is required by this Act or any rules made thereunder to do, shall be guilty of an offence. [20]

Right of
holder of
pawn ticket
to inspect
sale book.

22. At any time within 4 months after the auction at which a pledge pawned for any sum exceeding \$50 is sold, the holder of the pawn ticket may inspect the entry of the sale in the pawnbroker's book and in the filled-up catalogue of the auction, authenticated by the signature of the auctioneer, or in either of them. [21]

23.—(1) Where a pledge pawned for any sum exceeding \$50 is sold for more than the reserve price, being the amount of the loan and interest due, the pawnbroker shall, within 10 days after the sale, inform the pawner by registered post of the amount of surplus realised at the sale.

Obligation of pawnbroker to account for surplus within 4 months subject to set-off.
21/93.

(2) A pawnbroker who fails to include the interest on the loan in the reserve price of any pledge at the time of sale shall be deemed to have waived the interest and shall not recover the interest from the pawner.

21/93.

(3) No costs or charges of the sale shall be deducted from the amount of surplus without the prior approval in writing of the Registrar.

21/93.

(4) The pawnbroker shall send to the Registrar, on the first day of every calendar month, a list, written in the English language, showing the result of the sales of the pledges during the preceding calendar month, in Form 3 set out in the First Schedule or in such other form as is prescribed, and the Registrar shall keep such list for 3 months in a place easily accessible to the public. [22

7/77.

24.—(1) A pawnbroker shall, on demand, pay the surplus under section 23 to the holder of the pawn ticket where the demand is made within 4 months after the sale.

Disposal of unclaimed surplus.
21/93.

(2) If no demand for the surplus is made within 4 months after the sale under subsection (1), the pawnbroker shall pay the surplus to the Accountant-General within 14 days after the expiration of the period of 4 months.

21/93.

(3) Any payment under subsection (2) shall be accompanied by a statement containing such particulars as the Registrar may require.

21/93.

(4) Where a claim is made to the Accountant-General for any surplus paid under subsection (2), the Accountant-General shall, upon receiving a certification from the Registrar that the claimant is entitled to the surplus, authorise payment thereof to be made to him.

21/93.

(5) Any unclaimed surplus shall, on the expiry of 6 years from the date of payment thereof, be paid by the Accountant-General into the Consolidated Fund.

21/93.

(6) Any pawnbroker who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both. [22A

Offences as to pledge for sum exceeding \$50. 21/93.

25. Any pawnbroker who with respect to pledges for loans of a sum exceeding \$50 —

- (a) does not bona fide, according to the directions of this Act, sell a pledge pawned with him;
- (b) enters in his book a pledge as sold for less than the sum for which it was sold, or fails duly to enter the sale of the pledge;
- (c) substitutes a pledge pawned with him or any part of it with another article;
- (d) tampers with or destroys a pledge;
- (e) renders a pledge of less value than it was at the time of the pawning by or through his wilful misbehaviour;
- (f) falsely enters in his book a pledge as redeemed;
- (g) refuses to permit any person entitled under this Act to inspection of an entry of sale in the pawnbroker's book or of a filled-up catalogue of the auction, authenticated by the auctioneer's signature, to inspect the same;
- (h) fails without lawful excuse, the proof whereof shall lie on him, to produce such a catalogue on lawful demand; or
- (i) refuses to pay on demand the surplus to the person entitled to receive the surplus,

shall in every such case be guilty of an offence. [23

Delivery up of pledge

Right of holder of pawn ticket to redeem pledge.

26. The holder for the time being of a pawn ticket shall be presumed to be the person entitled to redeem the pledge, and, subject to this Act, the pawnbroker shall accordingly, on payment of the loan and profit, deliver the pledge to the person producing the pawn ticket, and the pawnbroker is hereby indemnified for so doing. [24

27. A pawnbroker shall not, except as in this Act provided, be bound to deliver back a pledge unless the pawn ticket for it is delivered to him. [25

Production of pawn ticket on redemption.

28. Where a pledge is destroyed or damaged by or in consequence of fire or lost, the pawnbroker shall nevertheless be liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge after deducting the amount of the loan and profit, such value to be assumed to be one-half more than the amount of the loan. [26

Liability of pawnbroker in case of fire or loss. 21/93.

29.—(1) If a person entitled and offering to redeem a pledge shows, to the satisfaction of a Magistrate's Court, that the pledge has become or has been rendered of less value than it was at the time of the pawning thereof by or through the default or neglect or wilful misbehaviour of the pawnbroker, the Court may, if it thinks fit, award a reasonable compensation to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker or shall be paid by the pawnbroker, as the case may require, in such manner as the Court directs, except that no suit shall thereafter be brought by the owner in any civil court in respect of the same matter.

Compensation for loss or depreciation of pledge.

(2) When a pawnbroker has been directed to pay a sum of money to the owner of a pledge under this section, the sum so directed to be paid shall be recoverable as a fine.

[27

30.—(1) This section shall have effect for the protection of owners of articles pawned and of pawners not having their pawn tickets to produce.

Protection of owner and of pawner not having pawn ticket.

(2) Any person claiming to be the owner of a pledge but not holding the pawn ticket, or any person claiming to be entitled to hold a pawn ticket but alleging that the pawn ticket has been lost, mislaid, destroyed or stolen or fraudulently obtained from him, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to him upon receipt of the charge specified in the Second Schedule. 21/93.

21/93.

(3) The printed form of declaration referred to in subsection (2) shall contain sufficient particulars of the pawn, including a description of the pledge, the date it was pawned, the pledge number or the lost pawn ticket number so as to enable the pawner to make a declaration before a person authorised to administer oaths or a notary public.

21/93.

(4) If the applicant delivers back to the pawnbroker the declaration duly made before a person authorised to administer oaths or a notary public by the applicant, the applicant shall thereupon have as between him and the pawnbroker all the same rights and remedies as if he produced the pawn ticket:

Provided that such a declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker.

(5) The pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid.

(6) The pawnbroker is hereby further indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or is false in any material particular.

(7) Declarations under this section may be in Form 1 or 2 set out in the First Schedule, as the nature of the case requires.

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(8) Every declaration under this section shall be deemed to be a declaration within the meaning of sections 199 and 200 of the Penal Code.

21/93.

(9) The Minister may, by order published in the *Gazette*, amend, add to or revoke the whole or any part of the First Schedule. [28

Delivery to
owner of
property
unlawfully
pawned.

31.—(1) In each of the following cases:

- (a) if any person is convicted under this Act before a Magistrate's Court of knowingly and designedly pawning with a pawnbroker anything being the property of another person, the pawner not being

employed or authorised by the owner thereof to pawn the property;

(b) if any person is convicted in any court of any offence against property which offence is defined or dealt with by any of the provisions of sections 378 to 420, both inclusive, of the Penal Code, and it appears to the Magistrate's Court or other court that the property has been pawned with a pawnbroker; or

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(c) if in any proceedings before a Magistrate's Court or other court it appears to the court that any goods and chattels brought before the court have been unlawfully pawned with a pawnbroker,

the court, on proof of the ownership of the goods and chattels, may, if it thinks fit, order the delivery thereof to the owner, either on payment to the pawnbroker of the amount of the loan 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 fitting.

(2) The court may also adjourn the proceedings for the attendance of the pawnbroker, and may summon the pawnbroker to attend at the adjourned hearing, and if, after hearing the pawnbroker, the court is of opinion that the pawnbroker has not exercised due care in taking in pawn any stolen property, the court may order the pawnbroker to pay a fine not exceeding \$2,000. [29

Liability of pawnbroker for taking stolen goods in pawn without due care. 7/77.

32. Any pawnbroker who without reasonable excuse, the proof whereof shall lie on him, refuses or neglects to deliver a pledge to the person entitled to have delivery thereof shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000, and the court may, with or without imposing a fine, order the delivery of the pledge on payment of the amount of the loan and profit. [30

Summary order for delivery of pledge to person entitled.

General restrictions on pawnbroker

33. Any pawnbroker who —

(a) takes an article in pawn from any person who appears to be intoxicated, or from a person apparently below the age of 16 years;

Prohibition as to taking or purchasing of pledge in certain circumstances. 7/77.

- (b) purchases or takes in pawn or exchanges a pawn ticket issued by another pawnbroker;
- (c) employs any servant or other person below the age of 16 years to take pledges in pawn;
- (d) under any pretence purchases, except at public auction, any pledge while in pawn with him;
- (e) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it;
- (f) makes any contract or agreement with any person pawning or offering to pawn any article or with the owner thereof for the purchase, sale or disposition thereof within the time of redemption;
- (g) sells, pawns or otherwise disposes of any pledge pawned with him, except at such time and in such manner as are authorised by this Act;
- (h) makes an advance upon any article pledged with him otherwise than in money which is legal tender in Singapore; or
- (i) takes any goods or chattels in pawn from any person before 8 a.m. or after 8 p.m.,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. [31

Unlawful pawning and taking in pawn

Penalty for wrongfully pawning property of another.
7/77.

34.—(1) Any person who knowingly and designedly pawns with a pawnbroker anything being the property of another person, the pawner not being employed or authorised by the owner thereof to pawn the property, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(2) In addition to any fine imposed under subsection (1), the court may order any person convicted under that subsection to pay by way of compensation to the owner any sum not exceeding the full value of the pledge as ascertained by the court, such sum to be levied and taken in the same manner as a fine. [32

35.—(1) Any person who —

- (a) offers to a pawnbroker an article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article;
- (b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address or as to the name and address of the owner of the article; or
- (c) not being entitled to redeem and not having any colour of title by law to redeem a pledge, attempts or endeavours to redeem the property,

Offences relating to pawner not giving satisfactory account of himself, giving false information, etc.

shall be guilty of an offence.

(2) In every such case, and also in any case where, on an article being offered in pawn to a pawnbroker he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person and the article, or either of them, and shall deliver the person and the article or either of them, as the case may be, as soon as possible into the custody of a police officer, who shall as soon as possible convey the person, if so detained, before a Magistrate, to be dealt with according to law. 7/77.

[33

36. Any person found in possession of a pawn ticket shall, until he satisfies the court to the contrary, be presumed to have been in possession of the pawned article to which the pawn ticket refers.

Person in possession of pawn ticket presumed to have been in possession of article pawned.

[34

37.—(1) If any person, under suspicious circumstances, offers any article in pawn to a pawnbroker, or, without having any colour of title by law to redeem a pledge, attempts to redeem it, and the pawnbroker has reason to suspect such want of title, the pawnbroker shall inquire of the person how he came by the article or the pawn ticket, as the case may be.

Duty of pawnbroker on offer of pledges or redemption under suspicious circumstances.

(2) If the person is not able or refuses to give a satisfactory account of himself or of the means by which he became possessed of the article or pawn ticket, or wilfully gives any

false information concerning the article or pawn ticket, or as to his name or address or as to the name or place of abode of the owner of the article, or if there is any other reason to suspect that the article or pawn ticket have been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person offering the article or pawn ticket, and shall deliver him with the article or pawn ticket into the custody of a police officer. [35]

Prohibition as to taking in pawn linen, apparel, unfinished goods, etc., in certain cases. 7/77.

38. Any pawnbroker who knowingly takes in pawn any linen or apparel or unfinished goods or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000; and shall likewise restore the pledge to the owner thereof in the presence of the court or as the court directs. [36]

Search warrant for linen, etc., unlawfully pawned.

39.—(1) If the owner of any linen or apparel or unfinished goods or materials entrusted to any person as aforesaid and unlawfully pawned with a pawnbroker, or the owner of any other article unlawfully pawned with the pawnbroker, the last-mentioned owner having on oath satisfied a Magistrate's Court that his goods have been unlawfully obtained, taken or withheld from him, makes out on oath before a Magistrate's Court that there is good cause to suspect that a pawnbroker has taken in pawn the linen, apparel, goods, materials or articles aforesaid without the privity or authority of the owner, and makes appear to the satisfaction of the Magistrate's Court probable grounds for such suspicion, the Magistrate's Court may issue a warrant for searching, within the hours of business, the shop of the pawnbroker.

(2) If the pawnbroker, on request by a police officer authorised by the warrant to make the search, refuses to open the shop or permit it to be searched, a police officer may break it open within the hours of business and search as he thinks fit therein for the linen, apparel, goods, materials or articles aforesaid, doing no wilful damage, and if any pawnbroker or other person opposes or hinders the search, he shall be guilty of an offence.

(3) If on the search any linen, apparel, goods, materials or articles aforesaid is or are found and the property of the

owner thereof is made out to the satisfaction of a Magistrate's Court, the Court shall cause the same forthwith to be restored to the owner thereof. [37]

Penalties and police regulations

40. Any pawnbroker or other person who is guilty of an offence under this Act, in respect whereof a specific forfeiture or penalty is not prescribed by this Act, or of any breach of this Act, shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both. [38]

General
penalty.
7/77
21/93.

41. Any penalty recovered under this Act, not directed to be otherwise applied, may be applied under the direction of the Magistrate's Court in which it is recovered as follows: Application of penalty.

(a) where the complainant is the party aggrieved, a sum not exceeding one-half of the penalty may be paid to him;

(b) where the complainant is not the party aggrieved, there shall be paid to him no part or such part only of the penalty as the Court thinks fit. [39]

42. Any person who lays an information for an offence alleged to have been committed under this Act by which he was not personally aggrieved, and afterwards, directly or indirectly, receives, without the permission of the court, any sum of money or other reward for compounding, delaying or withdrawing the information, shall be guilty of an offence. [40]

Penalty on
common
informers
compounding
information.

43. If any person utters, produces, shows or offers to a pawnbroker a pawn ticket which the pawnbroker reasonably suspects to have been counterfeited, forged or altered, the pawnbroker may seize and detain the person and the ticket or either of them, and shall deliver the person and the ticket or either of them, as the case may be, into the custody of a police officer. [41]

Detention of
person
offering
forged pawn
ticket, etc.

44.—(1) The books required by this Act to be kept by a pawnbroker shall be produced by him for examination at any time during business hours on demand by any Justice of the Peace or by any police officer who by this subsection is Pawnbroker's
books subject
to
examination
by police.
21/73
7/77.

authorised to enter at any time during business hours any pawnbroker's shop without warrant to search for and examine the books and to take extracts therefrom and copies thereof.

(2) Any pawnbroker who fails to comply with this section shall be guilty of an offence. [42]

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

7/77.
21/93.

45.—(1) Information as to property lost, stolen or otherwise fraudulently disposed of shall be given by the police, as soon as possible after the loss or fraud, to all pawnbrokers, with list and descriptions of the property.

(2) If any property answering such lists and descriptions is in the possession of any pawnbroker or is thereafter offered to or shown to any pawnbroker, the pawnbroker shall, without unnecessary delay, give information to that effect at the nearest police station or to any police officer, with the name, address and identity card number of the person in whose possession the property was seen, and in default thereof he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(3) The pawnbroker in such a case may also detain the person offering or showing the property until the arrival of the police. [43]

Police officers may enter pawnshops, etc.
21/73
7/77.

46. Any police officer may enter any pawnbroker's shop at any time during business hours, and may search without warrant the house, shop or premises of the pawnbroker for any article that he may have reason to suspect to be therein and to have been dishonestly obtained or dishonestly placed there. [44]

Police officers may arrest persons loitering about pawnshops under suspicious circumstances.

47.—(1) Any police officer having reason to believe that a person in or loitering about a pawnbroker's shop under suspicious circumstances has with him any article dishonestly obtained may detain that person and require him to produce any article he may have with him.

(2) If any article is produced which the police officer has reason to suspect to have been unlawfully obtained, the police officer may take or cause to be taken the person and the article to the nearest police station.

(3) If any person so required to produce such article refuses to be searched, the police officer may take him or cause him to be taken before a Justice of the Peace, who if he sees fit may search the person or order him to be searched, and if any such article is found may detain him with the article so found to be dealt with according to law. [45]

48. A District Court or a Magistrate's Court shall have jurisdiction to hear and determine all offences under this Act or any rules made thereunder and, notwithstanding anything to the contrary in the Criminal Procedure Code, shall have power to impose the full penalty or punishment in respect of any offence under this Act or any rules made thereunder. [46]

Jurisdiction of Courts. 21/93.
Cap. 68.

49.—(1) The Registrar may, in his discretion, compound any such offence under this Act or any rules made thereunder as may be prescribed as being an offence which may be compounded by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

Power to compound. 21/93.

(2) The Minister may make rules prescribing the offences which may be compounded. [46A]

21/93.

Rules

50.—(1) The Minister may make rules prescribing — Rules.

- (a) the form of the books to be kept by pawnbrokers and the particulars to be entered therein;
- (b) the form of the note or pawn ticket to be issued by pawnbrokers and the particulars to be entered therein;
- (c) generally the manner and conditions in and under which the business of pawnbroking shall be conducted;
- (d) the fees to be paid for licences by pawnbrokers and by auctioneers under this Act, and the manner in which sales under this Act shall be held;
- (e) the procedure to be followed by applicants for licences as pawnbrokers;

- (f) the form of the monthly returns to be made by pawnbrokers;
- (g) all matters stated or required in this Act to be prescribed; and
- (h) generally to give effect to the provisions of this Act.

7/77
21/93.

(2) Any person who contravenes any rule made under this Act shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both. [47

FIRST SCHEDULE

FORM 1

Section 30 (7).

Declaration where Pledge Claimed by Owner

Take Notice, if this Declaration is false the person making it is punishable for perjury.

Unless this printed form is taken before a Magistrate and declared to and signed, and delivered back to the pawnbroker not later than 19 , the articles mentioned in it will be delivered to any person producing the pawn ticket.

I, A. B., of , in pursuance of the Pawnbrokers Act (Chapter 222), do solemnly and sincerely declare that the article [*or* articles] described below is [*or* are] my property and that I believe it is [*or* they are] pledged at the shop of

The article [*or* articles] above referred to is [*or* are] the following:

And I, C. D., of , in pursuance of the said Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B., of

Declared before me this day of 19 .

Signature of Magistrate

FIRST SCHEDULE — *continued*

FORM 2

Section 30 (7).
(S 343/93)

Declaration where Pawn Ticket is Lost

Take Notice, if this Declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a person authorised to administer oaths or a Notary Public and declared to and signed, and delivered back to the pawnbroker not later than 19 , the articles mentioned in it will be delivered to any person producing the pawn ticket.

I, A. B., of , in pursuance of the Pawnbrokers Act (Chapter 222), do solemnly and sincerely declare that pledged at the shop of , pawnbroker, the article [*or articles*] described below being property and received a pawn ticket for the same, which has since been by , and that the pawn ticket has not been sold or transferred to any person by or to knowledge or belief.

The article [*or articles*] above referred to is [*or are*] the following:

Declared before me this day of 19

Signature of Person authorised to administer Oaths/Notary Public.

FIRST SCHEDULE — *continued*

FORM 3

*Section 23 (4).
(S 343/93)*

List to be sent by Pawnbroker to Registrar

| Name of pawner | NRIC No. | Date of pawning | Pledge No. | Description of articles | Amount of loan | Interest charged | Date of sale | Amount for which sold as stated by auctioneer | Surplus in hands of pawn broker |
|----------------|----------|-----------------|------------|-------------------------|----------------|------------------|--------------|---|---------------------------------|
| | | | | | | | | | |

SECOND SCHEDULE

*Section 16 (1)
(S 344/93)*

PROFIT AND CHARGES ALLOWED TO PAWNBROKERS

Profit on Loan

1. A maximum of 1 ½% per month on the amount of the loan.

Charge on inspection of sale book

2. For the inspection of the entry of a sale ... \$0.50.

Charge on form of declaration

- 3.—(1) Where the loan does not exceed \$50 ... \$0.50.
- (2) Where the loan exceeds \$50 ... \$1.00.