

THE STATUTES OF THE REPUBLIC OF SINGAPORE

SECONDHAND DEALERS ACT

(CHAPTER 288)

1970 Ed. Cap. 227
Ordinance
21 of 1917

Amended by
14 of 1926
2 of 1934
41 of 1936
20 of 1939
37 of 1952
8 of 1955
19 of 1957
71 of 1959
72 of 1959
10 of 1960
23 of 1970
21 of 1973

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Secondhand Dealers Act

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An Act for the licensing and control of dealers in secondhand goods.

[18th October 1918]

1. This Act may be cited as the Secondhand Dealers Act. Short title.
- 2.—(1) In this Act — Interpre-
tation.
 - “bicycle” means a pedal bicycle not propelled by mechanical power;
 - “bicycle part” means any component part of a bicycle and any tyre, tube, lamp, tool or other fitting, accessory, attachment or equipment of a bicycle;

“goods” in the expression “secondhand goods” does not include any of the goods specified for the time being in the Schedule;

“licensed dealer” means a dealer in secondhand goods only, or in such goods together with goods which are not secondhand, licensed under this Act;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and includes a trailer;

“motor vehicle part” means any component part of a motor vehicle and any tyre, tube, lamp, tool or other fitting, accessory, attachment or equipment of a motor vehicle;

“person” includes a firm or a person carrying on business in a firm’s name;

“shop” includes a house, place of business or other premises;

“stolen property” means property the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been criminally misappropriated or in respect of which criminal breach of trust or cheating has been committed whether the transfer has been made or the misappropriation or breach of trust or cheating has been committed within or without Singapore; but if such property subsequently comes into the possession of a person legally entitled to the possession thereof, it then ceases to be stolen property;

“trailer” means a vehicle drawn by a motor vehicle.

Presumption.

(2) Every person in whose shop secondhand goods are found apparently exposed for sale, or who is found in possession of secondhand goods to an unusual quantity, shall be deemed, until the contrary is proved, to be a dealer in secondhand goods; and no person shall be deemed to deal in secondhand goods unless he carries on business in a shop.

Licensing officer.

3. An officer holding the appointment of Deputy Commissioner of Police shall be the licensing officer under this Act.

4.—(1) The licensing officer may in his discretion issue licences under this Act to persons approved by him on payment of the prescribed fee and any other prescribed charges. Licences discretionary.

(2) Any person aggrieved by the refusal of the licensing officer to issue a licence may appeal to the Minister whose decision shall be final and conclusive.

5.—(1) The licensing officer may, at his discretion and on payment of the prescribed fee, grant a certificate of exemption from this Act to any dealer in secondhand goods. Exemption.

(2) The licensing officer may, by conditions to be endorsed on the certificate, restrict the exemption to any class or classes of secondhand goods.

(3) Every certificate of exemption shall expire on 31st December of the year in which it is granted.

(4) Any certificate of exemption may be cancelled at any time by the licensing officer.

6.—(1) No person unless exempted from this Act shall deal in secondhand goods except in accordance with the conditions of a licence issued under this Act and in the place specified in the licence. Secondhand dealers to be licensed.

(2) Every licensed dealer shall keep his licence posted in a conspicuous place in his shop. Licence to be posted.

(3) Every licensed dealer shall always keep exhibited at or over the outer door of his shop a signboard of such size and in such position as the licensing officer directs, which signboard shall have printed thereon in the English, Malay, Chinese and Tamil languages the words "Licensed dealer in secondhand goods". Signboards.

7. No licensed dealer shall purchase or sell any goods before 7 a.m. or after 9 p.m. Hours of business.

8. Any person who contravenes any of the provisions of section 6 or 7 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200 for the first offence, and to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months for any subsequent offence. Penalty.

Issue of
licences.

9. A licence issued under this Act —

- (a) shall be issued by the licensing officer, on payment of the prescribed fee, and be in such form and subject to such conditions as are prescribed, but in no case shall be issued unless the fingerprints of the person applying to be licensed have been taken by the licensing officer;
- (b) shall expire on 31st December of the year in which it is issued;
- (c) shall in every case be liable to cancellation by the licensing officer with the approval of the Minister;
- (d) shall not be transferable without the consent of the licensing officer and payment of the prescribed fee.

Keeping
proper books
of account.

10.—(1) Every licensed dealer shall keep in his shop —

- (a) a book legibly written in which he shall enter the particulars of all goods bought by him, with the date of purchase, the price paid for them, and the name and address of the person from whom he bought them, and such other particulars as are prescribed;
- (b) a book legibly written in which he shall enter the particulars of all goods sold by him, with the date of sale, the price received for them, and such other particulars as are prescribed.

21/73.

(2) Such books shall be produced for examination at any time between 7 a.m. and 9 p.m. on demand by any Magistrate, Justice of the Peace, the licensing officer or a police officer.

(3) Any licensed dealer who fails to comply with any requirement of this section shall —

- (a) where the goods concerned are bicycles, bicycle parts, motor vehicles or motor vehicle parts, be punished with imprisonment for a term not exceeding 3 years and not less than 6 months and shall also be liable to a fine; and
- (b) in the case of other goods, be liable to a fine not exceeding \$100 for the first offence, and to a fine not exceeding \$500 or to imprisonment for a term not exceeding 6 months for any subsequent offence.

11.—(1) Information as to any stolen property or as to any property which has been lost shall be given by the police as soon as possible after the theft or loss to all licensed dealers, with lists and descriptions of the same.

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

(2) If any property answering such lists and descriptions is in the possession of any licensed dealer or is thereafter offered to or shown to any licensed dealer, he shall, without unnecessary delay, give information to that effect at the nearest police station or to any police officer, with the name and address of the person in whose possession the property was seen, and in default thereof he shall be liable on conviction to a fine not exceeding \$200.

(3) The licensed dealer in such case may also detain the person offering or showing such property until the arrival of the police.

12.—(1) Any police officer may enter any licensed dealer's shop at any time during business hours and may without warrant search the shop for any property which he has reason to suspect to be therein and to be stolen property or to have been lost.

Police officers may enter and search licensed dealers' shops, etc. 21/73.

(2) Any police officer may at any time during business hours enter and search without warrant any shop where he has reason to suspect that any person is dealing in second-hand goods without a licence issued under the provisions of this Act.

(3) Any such police officer may seize any secondhand goods found in such shop.

13.—(1) Any police officer, having reason to believe that a person in or loitering about a licensed dealer's shop under suspicious circumstances has with him any stolen property, may detain that person and require him to produce any property which he has with him.

Police officers may arrest persons loitering about licensed dealers' shops under suspicious circumstances.

(2) If any property is produced which the police officer has reason to suspect to be stolen property, he may take or cause to be taken the person and the property to the nearest police station there to be dealt with according to law.

(3) If any person so required to produce such property refuses to be searched, the police officer may take him or cause him to be taken before a Justice of the Peace who, if

he sees fit, may search the person or order him to be searched and, if any such property is found, may detain him with the property so found to be dealt with according to law.

Delivery to
owner of
property.
Cap. 224.

14.—(1) If any person is convicted in any court of an offence under Chapter XVII of the Penal Code in respect of any property, and it appears to the court that the property has been sold to a licensed dealer, the court, on proof of the ownership of the property, may, if it thinks fit, order the delivery thereof to the owner either on payment to the licensed dealer of the amount of the purchase price or any part thereof, or without payment thereof or of any part thereof, as to the court according to the conduct of the owner and the other circumstances of the case seems just and fitting.

(2) The court may also adjourn the proceedings for the attendance of the licensed dealer and may summon the licensed dealer to attend at the adjourned hearing.

Liability of
dealer for
purchasing
stolen goods
without due
care.

(3) If after hearing the licensed dealer the court is of opinion that the licensed dealer has not exercised due care in purchasing any stolen property, it may order the licensed dealer to pay a fine not exceeding \$200.

Liability of
dealer for
acts of
agent or
employee.

15.—(1) Whenever any licensed dealer is liable under this Act to any fine or imprisonment or to the cancellation of his licence for any act, omission or default, he shall be liable to the same fine, punishment or cancellation for any act, omission, neglect or default of any agent or employee employed by him in the course of his business as such licensed dealer.

(2) Every agent or employee employed by a licensed dealer in the course of his business as such licensed dealer shall also be liable to every fine or punishment prescribed for such acts, omissions, neglects or defaults as if the agent or employee had been the person to whom the licence had been issued.

Power to
make rules.

16. The Minister may make rules for any of the following purposes:

- (a) to prescribe the fees for licences and exemptions and transfers of licences under this Act;
- (b) to prescribe the form of the licences under this Act and the conditions to be endorsed thereon;

- (c) to prescribe the forms of exemptions under this Act;
- (d) to prescribe the books to be kept by licensed dealers and the particulars to be entered therein;
- (e) generally to carry out the purpose of this Act.

17. The Minister may by notification in the *Gazette* vary the Schedule. Power to vary Schedule.

THE SCHEDULE

Section 2 (1).

GOODS EXCLUDED

Furniture.

Gunny bags, sail cloth, canvas.

Bottles.

Old iron and metals other than brass, copper, lead, zinc and block tin.

Kerosene tins, oil drums, and other similar empty receptacles.

Wooden and tin lined boxes and cases.