

Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 526

Cape Town,
Kaapstad,

1 April 2009

No. 32087

THE PRESIDENCY

No. 392

1 April 2009

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 6 of 2009: Second-Hand Goods Act, 2009.

DIE PRESIDENSIE

No. 392

1 April 2009

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 6 van 2009: Wet op Tweedehandse Goed, 2009.

(English text signed by the President.)
(Assented to 30 March 2009.)

ACT

To regulate the business of dealers in second-hand goods and pawnbrokers, in order to combat trade in stolen goods; to promote ethical standards in the second-hand goods trade; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

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(Engelse teks deur die President geteken.)
(Goedgekeur op 30 Maart 2009.)

WET

Tot reëling van die bedryf van handelaars in tweedehandse goedere en pandhandelaars, ten einde handel in gesteelde goedere te bestry; ten einde etiese standaarde in die tweedehandse goederebedryf te bevorder; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

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CHAPTER 1

INTERPRETATION AND APPLICATION OF ACT

Definitions

1. (1) In this Act, unless the context indicates otherwise— 10
- “**accreditation**” means accreditation by the National Commissioner in terms of section 17;
- “**acquire**” means acquire by any means, and includes importing into the Republic;
- “**antique**” means goods representing a previous era in human society and which are collected or desirable because of age, rarity, condition, utility or other unique features; 15
- “**business trust**” means a trust created for the purposes of making a profit through the combination of capital contributed by the beneficiaries of the trust and through the administration or management of the capital by trustees or a person acting on behalf of those trustees, for the benefit of the beneficiaries; 20
- “**certificate**” means a certificate of registration issued and in force under this Act, and includes any amendment thereof;
- “**charity organisation**” means a voluntary organisation established for charitable purposes, that carries on a business in dealing in second-hand goods and that acquires such second-hand goods by way of donation; 25
- “**close corporation**” means a close corporation within the meaning of the Close Corporations Act, 1984 (Act No. 69 of 1984);
- “**company**” means a company within the meaning of the Companies Act, 1973 (Act No. 61 of 1973);
- “**communication equipment**” means any wireless mobile communication equipment with IMEI capable of using SIM, including cellular telephones, telephones and two-way radios, and includes accessories of such equipment; 30
- “**controlled metal**” means any metal contemplated in Schedule 2;
- “**dealer**” means a person who carries on a business of dealing in second-hand goods, and includes a scrap metal dealer and a pawnbroker; 35
- “**dealers’ association**” means an association of dealers formed in order to represent the interests of dealers;
- “**deal in**” includes acquire and dispose of;
- “**Designated Police Officer**” means any police official to whom the National Commissioner delegates any function in terms of section 38(2); 40
- “**dispose of**” means dispose of by any means, and includes exporting out of the Republic;
- “**goods**” means any of the goods specified in Schedule 1, but does not include firearms or ammunition as defined in the Firearms Control Act, 2000 (Act No. 60 of 2000) or clothing; 45
- “**household and office equipment**” includes communication equipment, electric and electronic equipment and appliances, electronic software, furniture, gardening equipment, tools, books, valuables, clothing and works of art;
- “**IMEI**” means the International Mobile Equipment Identity that uniquely identifies mobile communication equipment; 50

BYLAE 2

BEHEERDE METALE

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MISDRYWE EN STRAWWE

BYLAE 4

5

WETTE HERROEP

HOOFSTUK 1

UITLEG EN TOEPASSING VAN WET

Woordomskrywings

1. (1) Tensy uit die samehang anders blyk, beteken in hierdie Wet— 10
- “**Aangewese Polisie-offisier**” enige polisiebeampte aan wie die Nasionale Kommissaris enige werksaamheid ingevolge artikel 38(2) delgeer;
- “**akkreditasie**” akkreditasie deur die Nasionale Kommissaris ingevolge artikel 17;
- “**antikiteit**” goedere wat ’n vorige era in die menslike samelewing verteenwoordig en versamel word of gesog is weens ouderdom, rareiteit, toestand, nut of ander unieke kenmerke; 15
- “**beheerde metaal**” enige metaal bedoel in Bylae 2;
- “**besigheidstrust**” ’n trust opgerig met die doel om wins te maak deur samevoeging van kapitaal deur die trustbegunstigdes bygedra en deur middel van die administrasie of bestuur van die kapitaal deur trustees of iemand wat namens sodanige trustees optree, tot voordeel van die begunstigdes; 20
- “**beskik oor**” beskik oor op enige wyse, en sluit uitvoer vanuit die Republiek in;
- “**beslote korporasie**” ’n beslote korporasie bedoel in die Wet op Beslote Korporasies, 1984 (Wet No. 69 van 1984); 25
- “**bestuur**” sluit in die hoof-uitvoerende beampte, hoof-operasionele beampte, eienaar, of bestuurder van ’n geregistreerde handelaar verantwoordelik vir die daaglikse beheer oor, bestuur van of toesighouding oor die besigheid van ’n handelaar op die betrokke perseel;
- “**edelmetale**” edelmetale soos omskryf in die Precious Metals Act, 2005 (Wet No. 37 van 2005); 30
- “**goedere**” enige van die goedere uiteengesit in Bylae 1, maar sluit nie vuurwapens of ammunisie soos omskryf in die Wet op die Beheer van Vuurwapens, 2000 (Wet No. 60 van 2000), of klerasie in nie;
- “**handelaar**” iemand wat ’n besigheid bedryf deur in tweedehandse goedere handel te dryf, en sluit ’n skroothandelaar en pandhandelaar in; 35
- “**handelaarsvereniging**” ’n vereniging van handelaars wat opgerig is om die belange van handelaars te verteenwoordig;
- “**handeldryf in**” sluit ook verkryging en beskikking in;
- “**herwin**” smelt, uitsmelt, verkorrel, versnipper, uitmekaarhaal, sorteer, gradeer, sny of voorberei, hetsy per hand of deur middel van ’n gespesialiseerde aanleg, masjinerie of toerusting, vir verbruik deur verbruikingsaanlegte soos gieterie, meulens, smelters, herwinners en vervaardigers; 40
- “**herwinner**” ’n persoon wat besigheid doen deur skrootmetaal te herwin;
- “**hierdie Wet**” sluit in enige regulasies wat ingevolge artikel 41 gemaak is; 45
- “**huishoudelike- en kantoortoerusting**” sluit in kommunikasietoerusting, elektriese en elektroniese toerusting en toestelle, elektroniese programmatuur, meubels, tuinbougereedskap, gereedskap, boeke, waardevolle goed, klerasie en kunswerke;
- “**IMEI**” die “International Mobile Equipment Identity” wat mobiele kommunikasietoerusting as uniek identifiseer; 50
- “**kommunikasietoerusting**” enige koordlose mobiele kommunikasietoerusting met IMEI en in staat om SIM te gebruik, insluitend sellulêre telefone, telefone en tweerigtingradio’s, en sluit bybehore van sodanige toerusting in;

- “**management**” includes the chief executive officer, chief operating officer, owner or manager of a registered dealer who is responsible for the day to day control, direction or supervision of the business of that dealer at the premises in question;
- “**Minister**” means the Minister for Safety and Security;
- “**National Commissioner**” means the National Commissioner of the South African Police Service, appointed by the President under section 207(1) of the Constitution of the Republic of South Africa, 1996;
- “**pawnbroker**” means a person who—
- (a) engages in the business of lending or advancing money on the deposit or pledge of goods;
 - (b) lends money upon goods, wares or merchandise pledged, stored or deposited as collateral security; or
 - (c) otherwise engages in pawn transactions within the meaning of the National Credit Act, 2005 (Act No. 34 of 2005);
- “**pawned goods**” means any movable goods subject to a pledge;
- “**person**” includes a trust and a business trust;
- “**police official**” means a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995);
- “**premises**” includes land, any building, structure, vehicle, conveyance, ship, boat or aircraft;
- “**precious metals**” means precious metals as defined in the Precious Metals Act, 2005 (Act No. 37 of 2005);
- “**prescribe**” means prescribe by regulation made in terms of section 41;
- “**previous Act**” means the Second-Hand Goods Act, 1955 (Act No. 23 of 1955);
- “**recycle**” means to melt, smelt, granulate, shred, dismantle, sort, grade, cut or prepare, either by hand or by the use of specialised plant, machinery and equipment, for use by consuming works such as foundries, mills, smelters, refiners and manufacturers;
- “**recycler**” means a person who carries on the business of recycling scrap metal;
- “**registers**” means registers prescribed in terms of this Act, and includes a print-out of registers kept electronically;
- “**second-hand goods**” means goods which have been in use by a person other than the manufacturer or producer thereof or a person dealing therewith for such manufacturer or producer in the course of business, but does not include goods with a value of less than R100;
- “**scrap metal**” includes any used, broken, worn out, defaced or partly manufactured goods made wholly or partly of non-ferrous or ferrous metal, lead or zinc or any substance of metallic waste or dye made of any of the materials commonly known as hard metals or of cemented or sintered metallic carbides;
- “**scrap metal dealer**” means a person who carries on a business that consists wholly or partly of the buying or selling of scrap metal;
- “**SIM**” means Subscriber Identity Module;
- “**Subscriber Identity Module**” means an independent, electronically activated device designed for use in conjunction with the use of mobile, including cellular or satellite communication equipment, to enable the user of the equipment to receive and transmit indirect communications by providing access to telecommunication systems and enabling such telecommunication systems to identify the particular subscriber identity module and its installed information;
- “**this Act**” includes any regulations made in terms of section 41;
- “**valuables**” means personal possessions that have a significant monetary value.
- (2) The Minister may by notice in the *Gazette*—
- (a) add any other article or substance to Schedule 1 or 2;
 - (b) determine that specific sections of this Act do not apply to certain types or categories of second-hand goods mentioned in Schedule 1 or 2.

CHAPTER 2

REGISTRATION

Obligation to register

2. (1) Every person who carries on a business as a dealer must be registered.

- “**liefdadigheidsorganisasie**” ’n vrywillige organisasie tot stand gebring vir liefdadigheidsoogmerke, wat besigheid doen deur in tweedehandse goedere handel te dryf en waar sodanige liefdadigheidsorganisasie sodanige tweedehandse goedere verkry by wyse van skenking;
- “**maatskappy**” ’n maatskappy bedoel in die Maatskappywet, 1973 (Wet No. 61 van 1973); 5
- “**Minister**” die Minister vir Veiligheid en Sekuriteit;
- “**Nasionale Kommissaris**” die Nasionale Kommissaris van die Suid-Afrikaanse Polisie diens, deur die President aangestel kragtens artikel 207(1) van die Grondwet van die Republiek van Suid-Afrika, 1996; 10
- “**pandhandelaar**” iemand wat—
- (a) betrokke is by die uitleen of voorskiet van geld teenoor die inlegging of verpand van goedere;
- (b) geld uitleen waar goedere, ware of handelsware verpand, geberg of ingelê word as kollaterale sekuriteit; of 15
- (c) andersins betrokke is in pandtransaksies bedoel in die “National Credit Act, 2005” (Wet No. 34 van 2005);
- “**pandgoedere**” enige roerende goedere onderhewig aan pand;
- “**persoon**” sluit ’n trust of besigheidstrust in;
- “**perseel**” sluit grond, enige gebou, struktuur, voertuig, vervoermiddel, skip, boot of vliegtuig in; 20
- “**polisiebeampte**” ’n lid van die Suid-Afrikaanse Polisie diens soos omskryf in artikel 1 van die Wet op die Suid-Afrikaanse Polisie diens, 1995 (Wet No. 68 van 1995);
- “**registers**” registers voorgeskryf ingevolge hierdie Wet en sluit ’n drukstuk in van registers wat elektronies bygehou word; 25
- “**sertifikaat**” ’n registrasiesertifikaat uitgereik en van krag ingevolge hierdie Wet en sluit enige wysiging daarvan in;
- “**SIM**” die “Subscriber Identity Module”;
- “**skrootmetaal**” ook enige gebruikte, gebreekte, verslete, geskonde of gedeeltelik vervaardigde goedere bestaande hoofsaaklik of gedeeltelik uit nie-ferro-metaal of ferro-metaal, lood of sink of enige stof of metaalagtige afval of gietsel bestaande uit enige van die stowwe algemeen bekend as harde metale of uit vermengde of gesinterde metaalkarbied; 30
- “**skrootmetaalhandelaar**” iemand wat ’n besigheid bedryf wat hoofsaaklik of gedeeltelik bestaan uit die koop of verkoop van skrootmetaal; 35
- “**Subscriber Identity Module**” ’n selfstandige, elektronies-geaktiveerde toestel ontwerp vir gebruik tesame met mobiele, insluitende sellulêre- of satellietkommunikasie-toerusting, om die gebruiker van die toerusting in staat te stel om onregstreekse kommunikasies te versend en te ontvang deur toegang tot telekommunikasiesistelsels te verskaf en sodanige telekommunikasiesistelsels in staat te stel om die spesifieke “subscriber identity module” en sy geïnstalleerde inligting te identifiseer; 40
- “**tweedehandse goedere**” goedere wat voorheen gebruik is deur iemand anders as die vervaardiger of verskaffer daarvan of ’n persoon wat daarmee handel dryf vir sodanige vervaardiger of verskaffer in die verloop van besigheid, maar sluit nie goedere met ’n waarde van minder as R100-00 in nie; 45
- “**verkry**” verkry op enige wyse, insluitende invoer na die Republiek;
- “**voorskryf**” voorskryf deur middel van regulasie gemaak ingevolge artikel 41;
- “ **vorige Wet**” die Wet op Tweedehandse Goedere, 1955 (Wet No. 23 van 1955); en 50
- “**waardevolle artikels**” persoonlike besittings met aansienlike geldwaarde.
- (2) Die Minister kan by kennisgewing in die *Staatskoerant*—
- (a) enige ander artikel of stof tot Bylae 1 of 2 byvoeg;
- (b) bepaal dat sekere gedeeltes van hierdie Wet nie op sekere tipes of kategorieë van tweedehandse goedere vermeld in Bylae 1 of 2 van toepassing is nie. 55

HOOFSTUK 2

REGISTRASIE

Verpligting om te registreer

2. (1) Iedere persoon wat besigheid doen as ’n handelaar moet geregistreer wees.

(2) A person other than a natural person may only be registered if a natural person, who is not disqualified in terms of this Act to be registered, is appointed to manage, and be responsible for, the business of the dealer, as the case may be.

(3) A person contemplated in subsection (2) is subject to the same obligations and liabilities as the registered dealer, as the case may be. 5

Application for registration

3. (1) (a) An application for registration must be made to the National Commissioner and must be accompanied by the prescribed documents.

(b) The National Commissioner may require the applicant to provide further information necessary for processing the application. 10

(2) If an applicant intends to conduct business from more than one premises, or where second-hand goods are stored on additional premises, such applicant must apply for registration in respect of each of those premises.

(3) Subject to section 14, the National Commissioner may, after consideration of the application and upon the applicant complying with all the requirements, register the applicant as a dealer. 15

Information on application by natural person

4. (1) An application by a natural person must be on the prescribed form and accompanied by two identity photographs of the applicant and must include the following information: 20

- (a) The applicant's full name, residential address and identity number;
- (b) the name under which the applicant carries on business;
- (c) the street addresses of all the premises the applicant intends to use or uses for business purposes;
- (d) the postal address, if any, used by the applicant for business purposes; and 25
- (e) any other prescribed information.

(2) The National Commissioner may require the applicant to furnish additional information or particulars, and may require that the applicant's fingerprints be taken.

Information on application by person other than natural person

5. (1) An application by a person other than a natural person must include the following information: 30

- (a) The applicant's name and, where applicable, registration number of the company, close corporation or trust;
- (b) the registered address of the applicant;
- (c) the street addresses of all the premises that the applicant intends to use or uses 35 for business purposes;
- (d) the full name and identity number of every person involved in the management of the applicant, and where applicant applies for registration for more than one premises, the full name and identity number of each person involved in the management of the applicant at each of the premises 40 contemplated in section 3(2);
- (e) the full name and identity number of every partner in the partnership, in the case of a partnership; and
- (f) any other prescribed information.

(2) The National Commissioner may require a natural person involved in the management of the applicant, including the person contemplated in section 2(2), to furnish additional information or particulars and may require that the person's fingerprints be taken. 45

Refusal to register

6. (1) If a dealer fails to comply with the requirements for an application, the National Commissioner must refuse the application and inform the dealer of that fact. 50

(2) Iemand wat nie 'n natuurlike persoon is nie, mag alleenlik geregistreer word indien 'n natuurlike persoon, wat nie ingevolge hierdie Wet gediskwalifiseer is om te registreer nie, aangestel is om die besigheid van die handelaar te bestuur, en verantwoordelik te wees daarvoor.

(3) Iemand bedoel in subartikel (2) is aan dieselfde pligte en verpligtinge as 'n 5 geregistreerde handelaar onderworpe, na gelang van die geval.

Aansoek om registrasie

3. (1) (a) 'n Aansoek om registrasie moet aan die Nasionale Kommissaris gerig word en moet van die voorgeskrewe dokumente vergesel word.

(b) Die Nasionale Kommissaris kan van die aansoeker verlang om verdere inligting te 10 verskaf wat benodig word om die aansoek te verwerk.

(2) Indien 'n aansoeker beoog om handel te dryf vanuit meer as een perseel, of waar tweedehandse goedere geberg word op ander persele, moet die aansoeker aansoek doen om registrasie ten opsigte van elke van daardie persele.

(3) Die Nasionale Kommissaris kan, onderhewig aan artikel 14, na oorweging van die 15 aansoek en sodra die aansoeker voldoen aan alle vereistes, die aansoeker as handelaar registreer.

Gegewens by aansoek deur 'n natuurlike persoon

4. (1) 'n Aansoek deur 'n natuurlike persoon moet op die voorgeskrewe vorm gedoen word en vergesel word van twee identiteitsfoto's van die aansoeker en moet die 20 volgende gegewens bevat:

(a) Die aansoeker se volle name, woonadres en identiteitsnommer

(b) die naam waaronder die aansoeker besigheid doen;

(c) die straatadresse van alle persele wat die aansoeker beoog om te gebruik of 25 gebruik vir besigheidsdoeleindes;

(d) die posadres (indien enige) wat deur die aansoeker vir besigheidsdoeleindes gebruik word; en

(e) enige verdere voorgeskrewe gegewens.

(2) Die Nasionale Kommissaris kan van die aansoeker vereis om verdere gegewens of 30 besonderhede te verstrek, en kan vereis dat die aansoeker se vingerafdrukke geneem word.

Gegewens by aansoek deur iemand anders as 'n natuurlike persoon

5. (1) 'n Aansoek deur iemand anders as 'n natuurlike persoon moet die volgende gegewens bevat:

(a) Die aansoeker se naam, en waar toepaslik, die registrasienommer van die 35 maatskappy, beslote korporasie of trust;

(b) geregistreerde adres van die aansoeker;

(c) die straatadresse van alle persele wat die aansoeker beoog om te gebruik of 40 gebruik vir besigheidsdoeleindes;

(d) die volle name en identiteitsnommer van iedere persoon betrokke by die 40 bestuur van die aansoeker, en in gevalle waar die aansoeker aansoek doen om registrasie van meer as een perseel, die volle name en identiteitsnommer van iedere persoon betrokke by die bestuur van die aansoeker by elk van die persele bedoel in artikel 2(2);

(e) die volle name en identiteitsnommer van iedere vennoot in die vennootskap, 45 in geval van 'n vennootskap; en

(f) enige verdere voorgeskrewe gegewens.

(2) Die Nasionale Kommissaris kan van 'n natuurlike persoon betrokke by die bestuur van die besigheid, insluitend die persoon bedoel in artikel 2(2), vereis om verdere 50 gegewens of besonderhede te verstrek en kan vereis dat die persoon se vingerafdrukke geneem word.

Weiering om te registreer

6. (1) In gevalle waar 'n handelaar nie voldoen aan die vereistes van 'n aansoek nie, moet die Nasionale Kommissaris die aansoek weier en die aansoeker dienoreen- 55 komstig daarvan verwittig.

- (2) Before refusing the application, the National Commissioner must—
- (a) give the dealer written notice of the National Commissioner's intention to refuse the application;
 - (b) give the dealer 30 days to submit written representations as to why the National Commissioner should not make the intended decision; and
 - (c) duly consider any such representations and the facts pertaining to the matter.
- (3) The National Commissioner must notify the dealer in writing of any decision taken under this section and state the reasons for and the date on which the decision takes effect in such notice.

Effect of registration 10

7. (1) Where a dealer is registered in accordance with section 3(3), the National Commissioner must issue the prescribed certificate of registration to a dealer, authorising the dealer to carry on business—
- (a) in respect of the classes of second-hand goods specified on the certificate;
 - (b) on the premises specified on the certificate; and
 - (c) subject to such of the prescribed conditions as the National Commissioner may impose.
- (2) The National Commissioner must issue a certificate for each premises on which the dealer may conduct business.
- (3) If a person other than a natural person carries on business as a dealer, the certificate must be issued in the name of the person contemplated in section 2(2).
- (4) Registration does not exempt a dealer from having to comply with the provisions of any other law.
- (5) Registration remains valid for a period of five years from the date the certificate is issued.

Application for amendment of certificate

8. (1) The holder of a certificate of registration must notify the National Commissioner in writing within 30 days if—
- (a) there is any change with regard to any information that was submitted in respect of the application for registration;
 - (b) there is a change in the control or ownership of the dealer; or
 - (c) there is any change that impacts on the ability of the dealer to meet all or any of the requirements for its registration in terms of this Act.
- (2) The National Commissioner must, after consideration of the notice contemplated in subsection (1) and upon being satisfied that the holder of the certificate still complies with all the requirements of this Act, amend the certificate of registration.
- (3) The National Commissioner must issue an amended certificate of registration, reflecting all changes, to the dealer.
- (4) Upon receipt of the amended certificate, the dealer must immediately hand all previous certificates relating to the registration to the police official handing over the amended certificate.

Limitation or variation of conditions by National Commissioner

9. (1) The National Commissioner may limit or vary any or all of the conditions of registration if there is a change in the circumstances of a registered dealer requiring a limitation or variation.
- (2) Before limiting or varying any of the conditions, the National Commissioner must—
- (a) give the dealer written notice of his or her intention to limit or vary the conditions of registration;
 - (b) give the dealer 30 days to submit written representations as to why the National Commissioner should not limit or vary the conditions of registration; and
 - (c) duly consider any such representations and the facts pertaining to the matter.
- (3) The National Commissioner must notify the dealer in writing of any decision taken under this section and state the reasons for and the date on which the decision takes effect in such notice.

- (2) Alvorens die aansoek geweier word, moet die Nasionale Kommissaris—
- (a) die handelaar skriftelik verwittig van die Nasionale Kommissaris se voorneme om die aansoek te weier;
 - (b) die handelaar 30 dae gun om skriftelike redes aan te voer waarom die Nasionale Kommissaris nie die voorgename beslissing moet maak nie; en 5
 - (c) sodanige verhoë en die tersaaklike feite deeglik oorweeg.
- (3) Die Nasionale Kommissaris moet die handelaar skriftelik verwittig van enige beslissing kragtens hierdie artikel en in sodanige kennisgewing die redes vir en die datum waarop die beslissing van krag word, verstrek.

Gevolge van registrasie 10

7. (1) In gevalle waar 'n handelaar ooreenkomstig artikel 3(3) geregistreer word, moet die Nasionale Kommissaris die voorgeskrewe registrasiesertifikaat aan 'n handelaar uitreik om die handelaar te magtig om handel te dryf—
- (a) in die klasse van goedere op die sertifikaat uiteengesit;
 - (b) op die perseel op die sertifikaat beskryf; en 15
 - (c) onderhewig aan sodanige voorwaardes as wat die Nasionale Kommissaris mag vasstel.
- (2) Die Nasionale Kommissaris moet 'n sertifikaat uitreik ten opsigte van elke perseel waarop die handelaar handel mag dryf.
- (3) Indien iemand anders as 'n natuurlike persoon besigheid as 'n handelaar doen, moet die sertifikaat in naam van die persoon bedoel in artikel 2(2), uitgereik word. 20
- (4) Registrasie skeld nie 'n handelaar van die bepalings van ander wetgewing kwyt nie.
- (5) Registrasie is geldig vir 'n tydperk van vyf jaar vanaf die datum waarop die sertifikaat uitgereik is. 25

Aansoek om wysiging van 'n sertifikaat

8. (1) Die houër van 'n registrasiesertifikaat moet die Nasionale Kommissaris binne 30 dae skriftelik verwittig indien—
- (a) daar 'n verandering intree betreffende enige gegewens wat verstrek is ten opsigte van die aansoek om registrasie; 30
 - (b) daar 'n verandering intree in die beheer of eienaarskap van die handelaar; of
 - (c) daar 'n verandering intree wat die vermoë van die handelaar beïnvloed om te voldoen aan enige of alle die vereistes van registrasie ingevolge die Wet.
- (2) Die Nasionale Kommissaris moet, na oorweging van die kennisgewing bedoel in subartikel (1) en hy of sy hom- of haarself vergewis het daarvan dat die houër van die sertifikaat steeds voldoen aan alle vereistes van die Wet, die registrasiesertifikaat wysig. 35
- (3) Die Nasionale Kommissaris moet 'n gewysigde registrasiesertifikaat wat alle wysigings aandui, aan die handelaar uitreik.
- (4) Met ontvangs van die gewysigde sertifikaat moet die handelaar onverwyld alle vorige sertifikate wat op registrasie van toepassing is, oorhandig aan die polisiebeampte wat die gewysigde sertifikaat afgee. 40

Beperking of wysiging van voorwaardes deur die Nasionale Kommissaris

9. (1) Die Nasionale Kommissaris kan enige van of al die registrasievoorwaardes beperk of wysig indien daar 'n verandering is in die omstandighede van 'n geregistreerde handelaar wat sodanige beperking of wysiging verg. 45
- (2) Alvorens enige van die voorwaardes beperk of gewysig word, moet die Nasionale Kommissaris—
- (a) die handelaar skriftelik verwittig van sy of haar voorneme om die registrasievoorwaardes te beperk of te wysig;
 - (b) die handelaar 30 dae gun om skriftelike redes aan te voer waarom die Nasionale Kommissaris nie die registrasievoorwaardes moet beperk of wysig nie; en 50
 - (c) sodanige verhoë en die tersaaklike feite deeglik oorweeg.
- (3) Die Nasionale Kommissaris moet die handelaar skriftelik verwittig van enige beslissing kragtens hierdie artikel en in sodanige kennisgewing die redes vir en die datum waarop die beslissing van krag word, verstrek. 55

Termination and cancellation of registration

10. (1) Registration in terms of this Chapter terminates—
- (a) upon the expiry of the period referred to in section 7(5), unless it is renewed in terms of section 11;
 - (b) in the event that the dealer stops trading or is unable to carry on business in terms of this Act or any other law; or
 - (c) upon cancellation in terms of subsection (3).
- (2) If a dealer stops trading or is unable to carry on business in terms of this Act or any other law contemplated in subsection (1)(b), such dealer must immediately notify the National Commissioner.
- (3) (a) The National Commissioner may cancel the registration of a registered dealer if the dealer fails to comply with any—
- (i) condition of registration; or
 - (ii) of the provisions of this Act;
- (b) The National Commissioner must cancel the registration of a registered dealer if the dealer—
- (i) is registered on the basis of incorrect or false information; or
 - (ii) is convicted of an offence of which dishonesty is an element.
- (4) Before cancelling the registration of a dealer, the National Commissioner must—
- (a) give the dealer written notice of the intention to cancel;
 - (b) give the dealer 30 days to submit written representations as to why his or her registration should not be cancelled; and
 - (c) duly consider any such representations and the facts pertaining to the matter.
- (5) The National Commissioner must notify the dealer in writing of any decision taken under this section and state the reasons for and the date on which cancellation takes effect in such notice.
- (6) A dealer whose registration has terminated must immediately—
- (a) hand all certificates relating to the registration to the police official serving the notice contemplated in subsection (5); or
 - (b) return all certificates to the National Commissioner in the event of termination contemplated in subsection (1)(a) or (b).

Renewal of registration

11. (1) A registered dealer who intends to renew registration must apply for renewal not more than 180 days and at least 90 days before the date of termination of registration.
- (2) An application for renewal of registration must be made to the National Commissioner in the prescribed manner.
- (3) An application for the renewal of registration may only be granted if the dealer shows that he or she has continued to comply with the requirements of registration in terms of this Act.
- (4) If an application for the renewal of registration has been lodged within the period provided for in subsection (1), registration remains valid until the application is decided.

Transfer of certificate

12. (1) Subject to subsection (2), a certificate issued in terms of this Act may not be transferred.
- (2) A registered dealer who wishes to transfer the business to which the registration relates, may only transfer such business to another registered dealer.
- (3) The certificate of the dealer transferring the business must be surrendered to the National Commissioner upon the issue of a new certificate.
- (4) (a) If a registered dealer dies, is declared by any court to be incapable of managing his or her own affairs or becomes mentally ill as contemplated in the Mental Health Care Act, 2002 (Act No. 17 of 2002), or if the estate of such dealer is sequestrated or if such dealer is liquidated, the executor, curator, administrator, trustee or liquidator of such person, as the case may be, may, subject to any law relating to deceased estates, mental health or insolvency, during the currency of the certificate of registration and without formal transfer of the certificate, conduct the business in question on such premises,

Beëindiging en kansellasië van registrasie

10. (1) Registrasie ingevolge hierdie Hoofstuk word beëindig—
- (a) met die verstryking van die tydperk waarna in artikel 7(5) verwys word, tensy dit hernu word kragtens artikel 11;
 - (b) wanneer die handelaar ophou handeldryf of nie in staat is nie om handel te dryf ingevolge hierdie of enige ander Wet; of
 - (c) met kansellasië ingevolge subartikel (3).
- (2) Indien 'n handelaar ophou handeldryf of nie in staat is om handel te dryf ingevolge hierdie of enige ander Wet, soos bedoel in subartikel (1)(b) nie, moet sodanige handelaar die Nasionale Kommissaris onverwyld daarvan verwittig.
- (3) (a) Die Nasionale Kommissaris kan die registrasie van 'n geregistreerde handelaar kanselleer indien die handelaar versuim om te voldoen aan enige—
- (i) registrasievoorwaarde; of
 - (ii) van die bepalings van hierdie Wet.
- (b) Die Nasionale Kommissaris moet die registrasie van 'n geregistreerde handelaar kanselleer indien die handelaar—
- (i) geregistreer is op grond van onjuiste of vals inligting; of
 - (ii) skuldig bevind is aan 'n misdryf waarvan oneerlikheid 'n element is.
- (4) Alvorens registrasie gekanselleer word, moet die Nasionale Kommissaris—
- (a) die handelaar skriftelik verwittig van sy of haar voorneme om die registrasie te kanselleer;
 - (b) die handelaar 30 dae gun om skriftelike redes aan te voer waarom die Nasionale Kommissaris nie die registrasie moet kanselleer nie; en
 - (c) sodanige verhoë en die tersaaklike feite deeglik oorweeg.
- (5) Die Nasionale Kommissaris moet die handelaar skriftelik verwittig van enige beslissing kragtens hierdie artikel en in sodanige kennisgewing die redes vir en die datum waarop die beslissing van krag word, verstrek.
- (6) 'n Handelaar wie se registrasie beëindig is moet onverwyld—
- (a) alle sertifikate wat op die registrasie betrekking het oorhandig aan die polisiebeampte wat die kennisgewing bedoel in subartikel (5) dien; of
 - (b) alle sertifikate terughandig aan die Nasionale Kommissaris in geval van beëindiging bedoel in subartikel (1)(a) of (b).

Hernuwing van Registrasie

11. (1) 'n Geregistreerde handelaar wat van voorneme is om registrasie te hernuwe moet aansoek doen om hernuwing hoogstens 180 dae en minstens 90 dae voor beëindiging van registrasie.
- (2) 'n Aansoek om hernuwing van registrasie moet op die voorgeskrewe wyse aan die Nasionale Kommissaris gerig word.
- (3) 'n Aansoek om hernuwing mag slegs toegestaan word indien die handelaar aantoon dat hy of sy steeds voldoen aan die registrasievereistes ingevolge hierdie Wet.
- (4) Indien 'n aansoek om hernuwing van registrasie binne die tydperk hepaal in subartikel (1) ingedien is, bly registrasie van krag totdat die aansoek beslis is.

Oordrag van sertifikaat

12. (1) 'n Sertifikaat uitgereik kragtens hierdie Wet mag, onderhewig aan subartikel (2), nie oorgedra word nie.
- (2) 'n Geregistreerde handelaar wat die besigheid waarop registrasie betrekking het wil oordra, mag sodanige besigheid alleenlik oordra aan 'n ander geregistreerde handelaar.
- (3) Die sertifikaat van die handelaar wat die besigheid oordra moet aan die Nasionale Kommissaris oorgegee word by uitreiking van 'n nuwe sertifikaat.
- (4) (a) Indien 'n geregistreerde handelaar tot sterwe kom, deur enige hof onbevoeg verklaar word om sy of haar eie sake te behartig of geestesongesteld word soos bedoel in die Mental Health Care Act, 2002 (Wet No. 17 van 2002), of indien die boedel van sodanige handelaar gesekwestreer is of indien sodanige handelaar gelikwideer word, kan die eksekuteur, kurator, administrateur, trustee of likwidateur, na gelang van die geval, onderhewig aan enige wetgewing wat verband hou met bestorwe boedels, geestesongesteldheid of insolvensie, gedurende die geldigheidsduur van die registrasiesertifikaat en sonder formele oordrag van die sertifikaat, die betrokke

either personally or through an agent approved by the National Commissioner in writing.

(b) For the period pending the appointment of such executor, curator, administrator, trustee or liquidator, the person managing the affairs of the dealer concerned must, for the purposes of this subsection, be regarded as being such a dealer's executor, curator, administrator, trustee or liquidator, as the case may be. 5

Temporary registration

13. (1) Subject to section 14, the National Commissioner may grant temporary registration to a person—

(a) for such period as may be prescribed; and 10

(b) subject to prescribed conditions.

(2) The National Commissioner may at any time withdraw temporary registration if any condition contemplated in subsection (1)(b) is not complied with.

Disqualification

14. (1) A person is disqualified from being registered as a dealer if such person— 15

(a) has in the preceding five years, in the Republic or elsewhere, been sentenced to imprisonment without the option of a fine in respect of any offence of fraud, theft or corrupt activities as referred to in the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), or any contravention of the Corruption Act, 1992 (Act No. 94 of 1992), or the commission of any other offence of which dishonesty is an element; 20

(b) has in the preceding 10 years been convicted of an offence in terms of this Act or the previous Act, irrespective of the sentence imposed, and was within five years after the conviction again convicted of an offence in terms of any of the said Acts and sentenced to a fine exceeding R1 000; 25

(c) is an unrehabilitated insolvent;

(d) is under 18 years;

(e) does not permanently reside in the Republic; or

(f) is by virtue of any other law disqualified from carrying on a business.

(2) A company, corporation, partnership or trust may not be registered if a person who is disqualified to hold a certificate in terms of subsection (1)(a), (b), (c), (d), or (f)— 30

(a) has an interest in that company, close corporation or trust;

(b) is a partner in that partnership; or

(c) is a beneficiary under that trust.

(3) For the purposes of subsection (1)(a) and (b), "preceding" means preceding the date of the application in question. 35

Display and maintenance of certificates

15. Where a certificate has been issued in terms of this Act, the original certificate must be—

(a) displayed in a prominent place clearly visible to the public on the premises for which such certificate has been issued; and 40

(b) maintained in such a state that it can be produced undamaged and in a legible condition.

CHAPTER 3

ACCREDITATION

45

Functions of accredited dealers' associations

16. An accredited dealers' association must—

(a) establish its members in different categories of dealers taking into account the classes of second-hand goods that the members are dealing in;

besigheid persoonlik of deur 'n agent wat skriftelik goedgekeur is deur die Nasionale Kommissaris, bedryf.

(b) Gedurende die tydperk waartydens die aanstelling van sodanige eksekuteur, kurator, administrateur, trustee of likwidateur afgewag word, word iemand wat die sake van die betrokke handelaar behartig, vir doeleindes van hierdie subartikel, geag word sodanige eksekuteur, kurator, administrateur, trustee of likwidateur, na gelang van die geval, te wees. 5

Tydlike registrasie

13. (1) Die Nasionale Kommissaris kan, onderhewig aan artikel 14, tydelike registrasie verleen aan iemand— 10

- (a) vir sodanige tydperk as wat voorgeskryf mag wees; en
- (b) onderhewig aan voorgeskrewe voorwaardes.

(2) Die Nasionale Kommissaris kan tydelike registrasie te eniger tyd intrek indien daar nie aan enige voorwaarde bedoel in subartikel (1)(b) voldoen word nie.

Diskwalifikasie 15

14. (1) Iemand word van registrasie as 'n handelaar gediskwalifiseer indien sodanige persoon—

- (a) in die voorafgaande vyf jaar, in die Republiek of elders, gevonnissen tot gevangenisstraf sonder die keuse van 'n boete ten opsigte van enige misdryf van bedrog, diefstal of korrupte aktiwiteite bedoel in die Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004) of enige oortreding van die Korruptiewet, 1992 (Wet No. 94 van 1992), of die pleeg van 'n misdryf waarvan oneerlikheid 'n element is. 20
- (b) in die voorafgaande 10 jaar skuldig bevind is aan 'n misdryf ingevolge hierdie Wet of die vorige Wet, ongeag die vonnis, en binne vyf jaar na skuldigbevinding weer skuldig bevind is aan 'n oortreding ingevolge enige van die genoemde Wette en gevonnissen tot 'n boete wat R1 000 te bowe gaan; 25
- (c) 'n ongerehabiliteerde insolvent is;
- (d) jonger as 18 jaar is;
- (e) nie permanent in die Republiek woonagtig is nie; of 30
- (f) kragtens enige ander wetgewing gediskwalifiseer word van besigheid doen.

(2) 'n Maatskappy, korporasie, vennootskap of trust kan nie geregistreer word indien 'n persoon wat gediskwalifiseer is om 'n sertifikaat kragtens subartikel (1)(a), (b), (c), (d), of (f) te hou—

- (a) 'n belang in daardie maatskappy, beslote korporasie of trust het; 35
- (b) 'n vennoot in daardie vennootskap is; of
- (c) 'n begunstigde van daardie trust is.

(3) Vir doeleindes van subartikel (1)(a) en (b) beteken "voorafgaande" voorafgaande die datum van die betrokke aansoek.

Vertoon en onderhou van sertifikate 40

15. In gevalle waar 'n sertifikaat uitgereik is ingevolge hierdie Wet, moet die oorspronklike sertifikaat—

- (a) vertoon word op 'n prominente plek waar dit duidelik sigbaar is vir die publiek op die perseel waarvoor sodanige sertifikaat uitgereik is; en
- (b) onderhou word in sodanige staat dat dit onbeskadig en in 'n leesbare toestand 45 vertoon kan word.

HOOFSTUK 3

AKKREDITASIE

Funksies van geakkrediteerde handelaarsverenigings

16. 'n Geakkrediteerde handelaarsvereniging moet— 50

- (a) sy lede in verskillende kategorieë van handelaars vestig met inagneming van die klasse van tweedehandse goedere waarin die lede handel dryf;

- (b) establish and maintain minimum legal and ethical standards with regard to its members, and may establish different standards with regard to the different categories of dealers, which may not be of a lower standard than is required under this Act;
- (c) inspect any business practice, registers, stock and business premises of its members; 5
- (d) make recommendations to the National Commissioner in support of applications for registration;
- (e) assist its members with research and development regarding matters of interest; and 10
- (f) advise the National Commissioner, when requested to do so by the National Commissioner, on industry standards and technological developments in the industry which may affect the application of this Act.

Accreditation

17. (1) The National Commissioner may accredit a dealers' association in the prescribed manner. 15

(2) Different criteria may be prescribed in respect of the accreditation of different types of associations, which the National Commissioner must apply when issuing an accreditation.

(3) These criteria must, amongst other things, include criteria relating to— 20

- (a) trustworthiness and integrity;
- (b) capacity to perform functions in terms of this Act; and
- (c) capacity to advance the purposes of this Act.

Refusal to accredit

18. (1) The National Commissioner must refuse to accredit a dealers' association if the dealers' association concerned has not complied with all the requirements for accreditation. 25

(2) Before refusing to accredit a dealer's association, the National Commissioner must—

- (a) give the dealers' association written notice of the National Commissioner's intention to refuse the accreditation; 30
- (b) give the dealers' association 30 days to submit written representations as to why the National Commissioner should not make the intended decision; and
- (c) duly consider any such representations and the facts pertaining to the matter.

(3) The National Commissioner must notify the dealers' association in writing of any decision taken under this section and state the reasons for and the date on which the decision takes effect in such notice. 35

Cancellation of accreditation

19. (1) The National Commissioner may cancel an accreditation if there is non-compliance by the dealers' association concerned with any criterion for accreditation. 40

(2) The National Commissioner must, before cancelling an accreditation—

- (a) give the dealers' association 30 days' notice in writing to submit written representations as to why the National Commissioner should not cancel accreditation; and 45
- (b) duly consider any representations received, and all the facts pertaining to the matter.

(3) The National Commissioner must notify the dealers' association in writing of any decision taken under this section.

Member registers 50

20. (1) Every accredited association must—

- (a) keep a register of all members in the prescribed form; and
- (b) submit an annual report to the National Commissioner containing such information as may be prescribed.

(2) Section 28 applies with the necessary changes in respect of an association. 55

- (b) regs- en etiese standaarde vestig en in stand hou ten opsigte van sy lede, en kan verskillende standaarde ten opsigte van die onderskeie kategorieë van handelaars vasstel, welke nie van 'n laer standaard mag wees as wat in hierdie Wet vereis word nie;
- (c) enige handelspraktyk, registers, voorraad en besigheidspersoneel van sy lede inspekteer; 5
- (d) aanbevelings maak na die Nasionale Kommissaris ter ondersteuning van aansoeke om registrasie;
- (e) sy lede bystaan met navorsing en ontwikkeling betreffende aangeleenthede van belang; en 10
- (f) die Nasionale Kommissaris met advies bedien, wanneer dit versoek word, oor industriestandaarde en tegnologiese ontwikkeling in die industrie wat die toepassing van hierdie Wet mag beïnvloed.

Akkreditasie

17. (1) Die Nasionale Kommissaris kan 'n handelaarsvereniging op die voorgeskrewe wyse akkrediteer. 15
- (2) Verskillende kriteria kan voorgeskryf word betreffende die akkreditasie van verskillende tipes verenigings, wat die Nasionale Kommissaris moet toepas wanneer akkreditasie verleen word.
- (3) Hierdie kriteria moet, onder andere, kriteria bevat betreffende— 20
- (a) betroubaarheid en integriteit;
 - (b) vermoë om die werksaamhede ingevolge hierdie Wet te kan verrig; en
 - (c) vermoë om die doelwitte van hierdie Wet te bevorder.

Weiering om te akkrediteer

18. (1) Die Nasionale Kommissaris moet weier om 'n handelaarsvereniging te akkrediteer indien die betrokke handelaarsvereniging nie voldoen aan al die vereistes vir akkreditasie nie. 25
- (2) Alvorens akkreditasie van 'n handelaarsvereniging geweier word, moet die Nasionale Kommissaris—
- (a) die handelaarsvereniging skriftelik verwittig van die Nasionale Kommissaris se voorneme om akkreditasie te weier; 30
 - (b) die handelaarsvereniging 30 dae gun om skriftelike redes aan te voer waarom die Nasionale Kommissaris nie die voorgename besluit moet neem nie; en
 - (c) sodanige verdoë en die tersaaklike feite deeglik oorweeg.
- (3) Die Nasionale Kommissaris moet die handelaarsvereniging skriftelik verwittig van enige beslissing kragtens hierdie artikel en in sodanige kennisgewing die redes vir en die datum waarop die beslissing van krag word, verstrek. 35

Kansellering van akkreditasie

19. (1) Die Nasionale Kommissaris kan akkreditasie kanselleer indien daar nie voldoen word aan enige kriterium vir akkreditering deur die betrokke handelaarsvereniging nie. 40
- (2) Alvorens akkreditasie van 'n handelaarsvereniging gekanselleer word, moet die Nasionale Kommissaris—
- (a) die handelaarsvereniging 30 dae gun om skriftelike redes aan te voer waarom die Nasionale Kommissaris nie akkreditasie moet kanselleer nie; en 45
 - (b) sodanige verdoë en alle tersaaklike feite deeglik oorweeg.
- (3) Die Nasionale Kommissaris moet die handelaarsvereniging skriftelik verwittig van enige beslissing kragtens hierdie artikel.

Lederegisters

20. (1) Iedere geakkrediteerde vereniging moet— 50
- (a) 'n register van alle lede in die voorgeskrewe formaat hou; en
 - (b) 'n jaarverslag wat die voorgeskrewe gegewens bevat aan die Nasionale Kommissaris voorlê.
- (2) Die bepalinge van artikel 28 is van toepassing met die nodige veranderinge ten opsigte van 'n vereniging. 55

CHAPTER 4**DEALERS****Records by dealers**

21. (1) Unless otherwise provided in this Act, a dealer must keep a register in the prescribed form and record in the register the prescribed particulars regarding every acquisition or disposal of second-hand goods. 5

(2) The particulars must at least include—

- (a) particulars in respect of the identity of the person from whom the second-hand goods are acquired, including—
 - (i) the person's full names, contact address and contact telephone number; 10
 - (ii) the manner in which the person's identity was verified; and
 - (iii) the person's identity number.
- (b) a description of the second-hand goods and serial number or distinguishing mark or feature of the second-hand goods; 15
- (c) the purchase price paid by the dealer;
- (d) the number assigned to the second-hand goods by the dealer;
- (e) the name and signature of the person who conducted the transaction on behalf of the dealer; and
- (f) the date and time of the transaction, the date on which the second-hand goods were sold or an account of how and when the second-hand goods were otherwise disposed of. 20

(3) If the certificate of registration in question is issued with a condition which requires separate registers, such separate registers must be kept in respect of the acquisition and disposal of different classes of second-hand goods. 25

(4) A person acquiring second-hand goods from, or disposing of goods to, a dealer, must furnish such dealer with his or her full name, physical address and an original identity document or passport as proof of his or her identity.

(5) A dealer must obtain and keep a copy of the identity document or passport contemplated in subsection (4). 30

(6) A dealer must retain a register contemplated in subsection (1) and copies of the documents contemplated in subsection (4) for a period of not less than five years, calculated from the date of the relevant transaction.

(7) Every entry in a register in respect of an acquisition or disposal of second-hand goods must be made contemporaneously with the acquisition or disposal in question. 35

False information and stolen goods

22. (1) If a dealer suspects, or on reasonable grounds should suspect, that—

- (a) any name, address or document furnished to the dealer is false;
- (b) goods or goods for pawn, as the case may be, offered to such a dealer are stolen goods; or 40
- (c) the appearance or aspects of an item offered to such dealer has been tampered with or there was an attempt to alter the appearance or aspects thereof in order to conceal the identity of the item,

such dealer must immediately report the matter to a police official on duty at the police station in whose area the dealer carries on business. 45

(2) Upon receipt of a report referred to in subsection (1), the police official involved must take down the report in the prescribed manner and immediately provide the person who made the report with the prescribed acknowledgement of receipt.

(3) A person required to make a report in terms of subsection (1) concerning a suspicion that any other person intends to commit or has committed an offence in terms of this Act, may not continue with and carry out any transaction to which such a suspicion relates. 50

(4) The police official taking down a report contemplated in subsection (2), must immediately provide the designated police officer with a copy of such report, together

HOOFSTUK 4**HANDELAARS****Aantekeninge deur handelaars**

21. (1) Tensy daar andersins voor voorsiening gemaak word in hierdie Wet, moet 'n handelaar 'n register byhou in die voorgeskrewe vorm en die voorgeskrewe besonderhede aanteken rakende elke verkryging van en beskikking oor tweedehandse goedere. 5

(2) Die besonderhede moet minstens bevat—

- (a) besonderhede betreffende die identiteit van die persoon vanaf wie die tweedehandse goedere verkry word, insluitend— 10
 - (i) die persoon se volle name, kontakadres en kontaktelefoonnummer;
 - (ii) die wyse waarop die persoon se identiteit nagegaan is; en
 - (iii) die persoon se identiteitsnommer;
- (b) 'n beskrywing van die tweedehandse goedere en reeksnommer of onderskeidende merk of eienskap van die tweedehandse goed; 15
- (c) die aankoopprys deur die handelaar betaal;
- (d) die nommer wat deur die handelaar aan die tweedehandse goedere toegeken is;
- (e) die naam en handtekening van die persoon wat die transaksie namens die handelaar aangegaan het; en 20
- (f) die datum en tyd van die transaksie, die datum waarop die tweedehandse goedere van die hand gesit is of rekenskap van die wyse en die tyd waarop die tweedehandse goedere andersins oor beskik is.

(3) Indien die betrokke sertifikaat onderworpe aan sodanige voorwaarde uitgereik is, moet afsonderlike registers bygehou word ten opsigte van die verkryging van en beskikking oor verskillende klasse tweedehandse goedere. 25

(4) Iemand wat tweedehandse goedere verkry van, of oor tweedehandse goedere beskik aan 'n handelaar, moet sodanige handelaar van sy of haar volle name, fisiese adres en 'n oorspronklike identiteitsdokument of paspoort voorsien as bewys van sy of haar identiteit. 30

(5) 'n Handelaar moet 'n afskrif van die identiteitsdokument of paspoort bedoel in subartikel (4) bekom en bewaar.

(6) 'n Handelaar moet 'n register in subartikel (1) bedoel en afskrifte van die dokumente in subartikel (4) bedoel bewaar vir 'n tydperk van minstens vyf jaar, bereken vanaf die datum van die betrokke transaksie. 35

(7) Elke aantekening in 'n register wat op verkryging van of beskikking oor tweedehandse goedere betrekking het, moet tegelykertyd met die betrokke verkryging of beskikking gemaak word.

Vals inligting en gesteelde goedere

22. (1) Indien 'n handelaar vermoed, of op redelike gronde behoort te vermoed dat— 40

- (a) enige naam, adres of dokument wat aan die handelaar verstrekk is, vals is;
- (b) goedere of pandgoedere, na gelang van die geval, wat aan sodanige handelaar aangebied word, gesteelde goedere is; of
- (c) daar met die voorkoms of aspekte van 'n artikel wat aan sodanige handelaar aangebied word gepeuter is, of dat daar 'n poging was om die voorkoms of aspekte daarvan te verander ten einde die identiteit daarvan te verberg, 45

moet sodanige handelaar die aangeleentheid onverwyld rapporteer aan 'n polisiebeampte aan diens by die polisiestasie in wie se wyk die handelaar besigheid doen.

(2) By ontvangs van 'n rapport bedoel in subartikel (1), moet die betrokke polisiebeampte die rapport op die voorgeskrewe wyse afneem en die persoon wat die rapport maak onverwyld voorsien van die voorgeskrewe ontvangserkenning. 50

(3) 'n Persoon van wie vereis word om 'n rapport te maak kragtens subartikel (1) betreffende 'n vermoede dat enige ander persoon van voorneme is om 'n misdryf kragtens hierdie wet te pleeg of dit reeds gedoen het, mag nie voortgaan met enige transaksie waarop sodanige vermoede van toepassing is, of dit volvoer nie. 55

(4) Die polisiebeampte wat die verslag bedoel in subartikel (2) moet afneem, moet die Aangewese Polisie-offisier van 'n afskrif van sodanige rapport voorsien, tesame met

with any particulars regarding the registering of any investigation docket arising from such report.

Restrictions on dealers and pawnbrokers

23. (1) No dealer may—
- (a) acquire or accept in pawn goods from any person under the age of 18; 5
 - (b) store goods elsewhere than on the premises for which a certificate has been issued in terms of this Act;
 - (c) take into his or her possession goods unless he or she is convinced on reasonable grounds that the seller of the goods is the owner or titleholder thereof or is duly authorised to dispose thereof; 10
 - (d) deliver goods acquired by him or her to a person or change the form or alter the appearance thereof until after the expiration date of a period of seven days from the date of acquisition thereof; or
 - (e) accept in pawn any firearms or ammunition as defined in section 1 of the Firearms Control Act, 2000 (Act No. 60 of 2000). 15
- (2) During the period contemplated in subsection (1)(d) or during any period that any pawned goods are subject to a pledge, the articles must be kept separate from all other goods of the same or similar kind and description.

CHAPTER 5

MOTOR VEHICLES 20

Motor vehicle records

24. (1) Subject to section 21, a dealer dealing in second-hand motor vehicles must also record in the prescribed register the particulars regarding every acquisition or disposal of a motor vehicle contemplated in subsection (2).
- (2) The particulars contemplated in subsection (1) are— 25
- (a) the vehicle identification number (VIN), and the chassis and engine number;
 - (b) the odometer reading;
 - (c) the exterior and trim colour; and
 - (d) any distinguishing mark or feature, such as microdot particulars.
- (3) A person acquiring or disposing of a motor vehicle from or to a dealer must furnish 30 such dealer with—
- (a) his or her full name;
 - (b) his or her physical address;
 - (c) his or her original identity document or passport as proof of his or her identity; 35
 - and
 - (d) proof of registration or deregistration of the motor vehicle.
- (4) A dealer must obtain and keep a copy of the identity document or passport contemplated in subsection (3) and must obtain and keep proof of registration or deregistration, as the case may be, contemplated in that subsection.
- (5) A dealer must retain the copies contemplated in subsection (4) for a period of not 40 less than five years, calculated from the date of the relevant transaction.

CHAPTER 6

CONTROLLED METALS

Obligation to register as recycler

25. (1) Every dealer who engages in the business of recycling any controlled metal, 45 must apply to be registered as a recycler, in addition to having to be registered in terms of section 2.
- (2) An application for registration must be made to the National Commissioner and must be accompanied by the prescribed documents.

enige besonderhede rakende die registrasie van enige ondersoekdossiere wat voortspruit uit die rapport.

Beperkings op handelaars en pandhandelaars

- 23.** (1) Geen handelaar mag—
- (a) goedere verkry of in pand neem van enige persoon onder die ouderdom van 18 jaar nie; 5
 - (b) goedere opberg elders as op die perseel waarvoor 'n sertifikaat kragtens hierdie Wet uitgereik is;
 - (c) goedere in sy of haar besit neem nie, alvorens hy of sy hom- of haarself op redelike gronde daarvan vergewis het dat die verkoper van die goedere die eienaar of titelhouer daarvan is of behoorlik gemagtig is om daarvoor te beskik; 10
 - (d) goedere wat hy of sy verkry het aan iemand lewer of die vorm of voorkoms daarvan verander nie, tot die verstrykingsdatum van 'n tydperk van sewe dae vanaf die datum waarop dit verkry is nie; of
 - (e) enige vuurwapen of ammunisie in pand neem nie, onderhewig aan die bepalinge van die Wet op Beheer van Vuurwapens, 2000 (Wet No. 60 van 2000). 15
- (2) Gedurende die tydperk bedoel in subartikel (1)(d) of gedurende enige tydperk waartydens enige goedere onderhewig is aan 'n pandooreenkoms, moet die goedere afsonderlik van alle ander goedere van dieselfde of dergelike soort en beskrywing gehou word. 20

HOOFSTUK 5

MOTORVOERTUIE

Motorvoertuigrekords

- 24.** (1) Onderhewig aan artikel 21 moet 'n handelaar wat handeldryf in tweedehandse motorvoertuie ook in die voorgeskrewe register die besonderhede van elke verkryging van en beskikking oor 'n motorvoertuig beoog in subartikel (2), aanteken. 25
- (2) Die besonderhede bedoel in subartikel (1) is—
- (a) die Voertuigidentifikasienommer (VIN), en die onderstel- en enjinnummer;
 - (b) die afstandmeterlesing; 30
 - (c) the buite- en bekleedselkleur; en
 - (d) enige onderskeidende kenmerk of eienskap, soos mikrospikkelbesonderhede.
- (3) Iemand wat 'n motorvoertuig verkry van of oor beskik aan 'n handelaar moet sodanige handelaar voorsien van—
- (a) sy of haar volle naam; 35
 - (b) sy of haar fisiese adres;
 - (c) sy of haar oorspronklike identiteitsdokument of paspoort as bewys van sy of haar identiteit; en
 - (d) bewys van registrasie of deregistrasie van die motorvoertuig.
- (4) 'n Handelaar moet 'n afskrif van die identiteitsdokument of paspoort bedoel in subartikel (3) bekom en bewaar en moet bewys van registrasie of deregistrasie bedoel in daardie subartikel bekom en bewaar, na gelang van die geval. 40
- (5) 'n Handelaar moet die afskrifte bedoel in subartikel (4) bewaar vir 'n tydperk van minstens vyf jaar, bereken vanaf die datum van die betrokke transaksie.

HOOFSTUK 6

45

BEHEERDE METALE

Verpligting om as herwinner te registreer

- 25.** (1) Iedere handelaar wat in die besigheid van herwinning van enige beheerde metaal betrokke is moet aansoek doen om as herwinner geregistreer te word, bykomend daartoe om ingevolge artikel 2 geregistreer te moet word. 50
- (2) 'n Aansoek om registrasie moet aan die Nasionale Kommissaris gerig word en moet van die voorgeskrewe dokumente vergesel word.

(3) The National Commissioner must, after consideration of the application and upon being satisfied that the applicant complies with all the requirements, register the applicant as a recycler and issue the prescribed certificate.

(4) No person may—

- (a) have in his or her possession any apparatus which can be used for the recycling of any controlled metal or any article or substance containing any controlled metal, unless— 5
- (i) such person is registered as a recycler; or
- (ii) in the case of precious metals, such a person is authorised to possess and recycle precious metals under the Precious Metals Act, 2005 (Act No. 37 of 2005), or any other applicable legislation; 10
- (b) acquire or dispose of any cable consisting of controlled metal of which the cover has been burnt, unless the seller thereof is able to provide a reasonable explanation for the burnt cover, and only after the matter has been reported to a police official in the manner contemplated in section 22(1)(a); or 15
- (c) be in possession of any cable consisting of controlled metal of which the cover has been burnt, unless such person is able to provide a reasonable explanation for the burnt cover.

(5) If a recycler suspects, or on reasonable grounds should suspect, that the appearance or aspects of any scrap metal offered to him or her has been tampered with or there was an attempt to alter the appearance or aspects thereof in order to conceal the identity of the scrap metal, such recycler must make a report contemplated in section 22(1)(c) which applies with the changes required by the context. 20

CHAPTER 7

COMMUNICATION EQUIPMENT

25

Communication equipment records

26. (1) Subject to section 21 and any other applicable law, a dealer dealing in second-hand communication equipment must also record in the prescribed register the particulars regarding every acquisition or disposal of communication equipment contemplated in subsection (2). 30

(2) The particulars contemplated in subsection (1) are—

- (a) a description of the communication equipment, including the make and model;
- (b) the communication equipment's IMEI number, where applicable; and
- (c) any other distinguishing mark or feature, including any serial number. 35

(3) A person acquiring communication equipment from or disposing of communication equipment to a dealer, must furnish such dealer, with his or her—

- (a) full name;
- (b) physical address; and
- (c) original identity document or passport as proof of his or her identity. 40

(4) A dealer must obtain and keep a copy of the identity document or passport contemplated in subsection (3).

(5) A dealer must retain copies contemplated in subsection (4) for a period of not less than five years, calculated from the date of the relevant transaction.

CHAPTER 8

45

POWERS OF POLICE OFFICIAL

Identification by police official

27. A police official, prior to exercising any power in terms of this Chapter, must identify himself or herself to the dealer, owner, employee or person in charge of the premises in question, and must produce his or her appointment certificate issued by the National Commissioner. 50

(3) Die Nasionale Kommissaris moet, na oorweging van die aansoek en sodra hy of sy hom- of haarself vergewis het daarvan dat die aansoeker aan al die vereistes voldoen, die aansoeker as 'n herwinner registreer en die voorgeskrewe sertifikaat uitreik.

(4) Niemand mag—

- (a) enige apparaat wat vir die herwinning van enige beheerde metaal of enige artikel of enige stof wat enige beheerde metaal bevat gebruik mag word besit nie, tensy—
- (i) sodanige persoon as 'n herwinner geregistreer is; of
 - (ii) in die geval van edelmetale, sodanige persoon gemagtig is om edelmetale te besit en te herwin ingevolge die “Precious Metals Act, 2005” (Wet No. 37 van 2005) of enige ander toepaslike wetgewing; of
- (b) enige kabel wat uit beheerde metaal bestaan waarvan die omhulsel gebrand is, verkry of beskik nie, tensy die verkoper daarvan in staat is om 'n redelike verduideliking ten opsigte van die gebrande omhulsel te verskaf, en slegs nadat die saak aan 'n polisiebeampte gerapporteer is op die wyse bedoel in artikel 22(1)(a); of
- (c) in besit wees van enige kabel wat uit beheerde metaal bestaan waarvan die omhulsel gebrand is, tensy sodanige persoon in staat is om 'n redelike verduideliking ten opsigte van die gebrande omhulsel te verskaf.

(5) Indien 'n herwinner vermoed, of op redelike gronde behoort te vermoed dat daar gepeuter is aan die voorkoms of kenmerke van enige skrootmetaal wat aangebied word aan sodanige herwinner of dat daar 'n poging was om dit te verander ten einde die afkoms van die skrootmetaal te verberg, moet sodanige herwinner die rapport maak soos beoog in artikel 22(1)(c) welke hier van toepassing is met die wysigings vereis deur die

HOOFSTUK 7

KOMMUNIKASIE-TOERUSTING

Kommunikasietoerusting-rekords

26. (1) Onderhewig aan die bepalings van artikel 21 en enige ander toepaslike wetgewing moet 'n handelaar wat handel dryf in tweedehandse kommunikasietoerusting ook in die voorgeskrewe register die besonderhede van elke verkryging van en beskikking oor kommunikasietoerusting beoog in subartikel (2), aanteken.

(2) Die besonderhede bedoel in subartikel (1) is—

- (a) 'n beskrywing van die kommunikasietoerusting, met inbegrip van die fabriek en model;
- (b) die IMEI nommer van die kommunikasietoerusting, waar toepaslik; en
- (c) enige ander onderskeidende kenmerk of eienskap, met inbegrip van enige reeksnommer.

(3) Iemand wat kommunikasietoerusting verkry van of oor beskik aan 'n handelaar moet sodanige handelaar voorsien van sy of haar—

- (a) volle naam;
- (b) fisiese adres; en
- (c) oorspronklike identiteitsdokument of paspoort as bewys van sy of haar identiteit.

(4) 'n Handelaar moet 'n afskrif van die identiteitsdokument of paspoort bedoel in subartikel (3) bekom en bewaar.

(5) 'n Handelaar moet die afskrifte bedoel in subartikel (4) bewaar vir 'n tydperk van minstens vyf jaar, bereken vanaf die datum van die betrokke transaksie.

HOOFSTUK 8

BEVOEGDHEDE VAN POLISIEBEAMPTTE 50

Identifikasie deur polisiebeampte

27. 'n Polisiebeampte moet, alvorens enige bevoegdheidskragte hiër hierdie Hoofstuk uitgeoefen word, hom- of haarself identifiseer aan die handelaar, eienaar, werknemer of persoon in beheer van die betrokke perseel, en moet sy of haar aanstellingsertifikaat uitgereik deur die Nasionale Kommissaris toon.

Routine inspections

28. (1) A police official may, during times when business activity in respect of second-hand goods is taking place, enter the premises of any registered dealer in order to investigate compliance with this Act and require the dealer, owner, an employee or the person in control of the premises to— 5
- (a) produce the certificate of registration relating to that premises for inspection;
 - (b) produce any register, record, book or other document relating to the goods in or on the premises for inspection or for the purposes of obtaining copies thereof or extracts therefrom;
 - (c) produce any goods found in or on such premises for examination; or 10
 - (d) explain any entry or absence of any entry in any register, book, record or document found therein or thereon.
- (2) If, upon any inspection, a police official discovers that any method of dealing, recording of transactions in registers or storage that is being used is in contravention of this Act, the police official may— 15
- (a) demand immediate discontinuation of the method; and
 - (b) afford the dealer a period of no more than seven days to rectify such method in order to ensure compliance with the Act.
- (3) The dealer, owner, employee or person in charge of premises contemplated in subsection (1) must assist the police official in the performance of his or her functions under this Act. 20
- (4) (a) A police official must conduct at least one comprehensive annual inspection of each registered premises, during which the records contemplated in section 21(1) must be examined.
- (b) On each occasion when a police official inspects a register in terms of subsection (1)(b), such police official must— 25
- (i) sign his or her name immediately after the last entry in that register, and append his or her number and rank and the date on which the inspection was conducted; or
 - (ii) certify in the manner that the National Commissioner may from time to time direct, that the records were inspected. 30

Entry, search, seizure and seal-off

29. (1) A police official, on the authority of a warrant issued in terms of section 30, may—
- (a) enter any premises specified in that warrant; 35
 - (b) direct the person in control of or any person employed at the premises to—
 - (i) disclose any register, record, book, other document or information that pertains to the investigation and is in the possession or under the control of that person; and
 - (ii) render such assistance as the police official requires in order to enable such police official to perform his or her functions under this Act; 40
 - (c) inspect any register, record, book or other document and make copies thereof or excerpts therefrom;
 - (d) examine any goods or other articles found on the premises; 45
 - (e) against the issue of a written receipt, seize records, books, documents or electronic data-storing devices that may be used as evidence of a contravention of any provision of this Act; and
 - (f) seal or seal off the premises at, on or in which second-hand goods are found, in order to prevent a person from conducting business in contravention of this Act. 50
- (2) A police official may not enter upon or search any premises without audibly demanding admission to the premises and giving notice of the purpose of the entry, unless such police official is, on reasonable grounds, of the opinion that such demand and notification will defeat the purpose of the search.
- (3) A police official contemplated in subsection (1) may use such force as may reasonably be necessary to overcome resistance to the entry or search. 55
- (4) Any entry and search in terms of subsection (1) may only be executed by day, unless the execution thereof by night is reasonable and justifiable.

Roetine-ondersoeke

28. (1) 'n Polisiebeampte kan, gedurende tye wanneer handelsaktiwiteite ten opsigte van tweedehandse goedere plaasvind, die perseel van enige geregistreerde handelaar betree ten einde voldoening aan hierdie Wet na te gaan en kan van die handelaar, eienaar, 'n werknemer of die persoon in beheer van die perseel vereis om— 5
- (a) die registrasiesertifikaat ten opsigte van daardie perseel te toon vir ondersoek;
 - (b) enige register, aantekening, boek of ander dokument ten opsigte van die goedere in of op die perseel te toon vir ondersoek of om afskrifte daarvan te bekom of uittreksels daaruit te maak;
 - (c) enige goedere wat in of sodanige perseel gevind word te toon vir ondersoek; 10
of
 - (d) enige inskrywing of afwesigheid van enige inskrywing in enige register, boek, aantekening of dokument wat daarop of daarin gevind word, te verduidelik.
- (2) Indien 'n polisiebeampte tydens 'n ondersoek bewus word daarvan dat enige metode van handeldryf, aantekeninge in registers maak of berging wat gebruik word 'n oortreding van hierdie Wet is, kan die polisiebeampte— 15
- (a) gelas dat die metode onverwyld gestaak word; en
 - (b) die handelaar 'n tydperk van nie meer as sewe dae nie, gun om sodanige metode reg te stel ten einde voldoening aan die Wet te verseker.
- (3) Die handelaar, eienaar, werknemer of persoon in beheer van die perseel bedoel in subartikel (1) moet die polisiebeampte bystaan in die uitvoering van sy pligte kragtens hierdie Wet. 20
- (4) (a) 'n Polisiebeampte moet ten minste een omvattende jaarlikse inspeksie van elke geregistreerde perseel uitvoer waartydens die aantekeninge bedoel in artikel 21(1) ondersoek moet word. 25
- (b) Tydens elke geleentheid waar 'n polisiebeampte 'n register nagaan ingevolge subartikel (1)(b), moet sodanige polisiebeampte—
- (i) sy of haar handtekening maak onmiddellik na die laaste inskrywing in daardie register, en sy of haar nommer en rang en die datum waarop die ondersoek gedoen is, aanbring; of 30
 - (ii) op die wyse wat die Nasionale Kommissaris van tyd tot tyd mag bepaal, sertifiseer dat die aantekeninge ondersoek is.

Betreding, deursoeking, beslaglegging en afsluiting

29. (1) 'n Polisiebeampte kan, op gesag van 'n lasbrief uitgereik ingevolge artikel 30— 35
- (a) enige perseel wat in daardie lasbrief omskryf is betree;
 - (b) iemand in beheer van of iemand in diens by die perseel aansê om—
 - (i) enige register, aantekening, boek, ander dokument of inligting wat betrekking het op die ondersoek en wat in besit of onder beheer van daardie persoon is te openbaar; en 40
 - (ii) sodanige bystand te verleen as wat die polisiebeampte vereis ten einde sodanige polisiebeampte in staat te stel om sy of haar werksaamhede kragtens hierdie Wet te verrig;
 - (c) enige register, aantekening, boek of ander dokument nagaan en afskrifte daarvan of uittreksels daaruit maak; 45
 - (d) enige goedere of ander artikels wat op die perseel gevind word ondersoek;
 - (e) met uitreiking van 'n skriftelike kwitansie, beslag lê op aantekeninge, boeke, dokumente of elektroniese databergingstoestelle wat gebruik mag word as getuienis van 'n oortreding van enige bepaling van hierdie Wet; en
 - (f) die perseel waarby, -op of -in tweedehandse goedere gevind word, sluit of afsluit ten einde iemand te verhoed om handel te dryf in stryd met hierdie Wet. 50
- (2) 'n Polisiebeampte mag nie enige perseel betree of deursoek sonder om hoorbaar toegang tot die perseel te vereis en die doel van die betreding bekend te maak nie, tensy sodanige polisiebeampte op redelike gronde van mening is dat sodanige opdrag en bekendmaking die doel van die deursoeking sal verydel. 55
- (3) 'n Polisiebeampte bedoel in subartikel (1) kan sodanige geweld gebruik as wat redelikerwys noodsaaklik is om weerstand teen die betreding of deursoeking te bowe te kom.
- (4) Enige betreding en deursoeking kragtens subartikel (1) mag slegs bedags uitgevoer word, tensy die uitvoering daarvan in die nag redelik en regverdigbaar is. 60

- (5) A police official may without a warrant enter upon any premises and search for, seize and remove anything contemplated in subsection (1) if—
- (a) the person who is competent to do so consents to such entry, search, seizure and removal; or
 - (b) there are reasonable grounds to believe that—
 - (i) a warrant would be issued to the police official if he or she applied for such warrant; and
 - (ii) the delay in obtaining such warrant would defeat the purpose of the search.
- (6) Any goods seized in terms of this section must be dealt with in the manner contemplated in Chapter 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), which applies with the changes required by the context.
- (7) A person from whom any book, record or document has been taken may, at his or her own expense and under supervision of a police official, make copies thereof or excerpts therefrom.

Warrant

- 30.** (1) A warrant to enter, search, seize and seal off premises must be issued by a magistrate or a judge of the High Court who has jurisdiction in the area in which the premises in question are situated, if it appears from information on oath or affirmation that there are reasonable grounds to believe that a provision of this Act has been or is being contravened.
- (2) A warrant issued under this section must specify—
- (a) the premises which may be entered and which of the acts mentioned in section 29(1) may be performed by the police official;
 - (b) the period for which the premises may be sealed off for purposes of section 29(1)(f), which may not exceed seven days; and
 - (c) whether the warrant authorises execution by night.
- (3) A warrant contemplated in this section remains in force until—
- (a) it has been executed;
 - (b) it is cancelled by the person who issued it, or if such person is not available, by any other person with similar authority;
 - (c) one month from the date of its issue; or
 - (d) the purpose for which the warrant was issued no longer exists,
- whichever occurs first.

Extension of powers

- 31.** (1) The Minister may by notice in the *Gazette*, either generally or subject to such conditions as may be specified in the notice, extend the powers contemplated in this Chapter to any person employed by a public entity contemplated in the Public Finance Management Act, 1999 (Act No. 1 of 1999), or any other statutory body if that person is a peace officer contemplated in section 1 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) The notice contemplated in subsection (1) must set out—
- (a) the extent to and the conditions under which such powers are extended to such person; and
 - (b) the directives that are applicable to such person in the exercise of such powers.

CHAPTER 9

GENERAL PROVISIONS

Offences and penalties

- 32.** (1) A person who—
- (a) fails to comply with section 2(1);
 - (b) fails to apply for registration of all premises in terms of section 3(2);

- (5) 'n Polisiebeampte kan sonder lasbrief enige perseel betree en vir enigiets bedoel in subartikel (1) deursoek, daarop beslag lê en dit verwyder indien—
- (a) iemand wat bevoeg is om so te doen, toestem tot sodanige betreding, deursoeking, beslaglegging en verwydering; of
 - (b) indien daar redelike gronde is om te glo dat—
 - (i) 'n lasbrief aan die polisiebeampte uitgereik sou word indien hy of sy daarvoor aansoek sou doen; en
 - (ii) die vertraging veroorsaak deur die verkryging van sodanige lasbrief die doel van die deursoeking sou verydel.
- (6) Enige goedere waarop beslaggelê word kragtens hierdie artikel moet mee gehandel word op die wyse beoog in Hoofstuk 2 van die Strafproseswet, 1977 (Wet No. 51 van 1977), hier geld met die veranderinge soos deur die samehang vereis word.
- (7) Iemand van wie enige boek, aantekening of dokument geneem is mag, op sy of haar eie onkoste en onder toesig van 'n polisiebeampte, afskrifte daarvan of uittreksels daaruit maak.

Lasbrief

30. (1) 'n Lasbrief om te betree, te deursoek, beslag te lê en 'n perseel af te sluit moet uitgereik word deur 'n landdros of regter van die Hoër Hof wat jurisdiksie het in die gebied waarin die betrokke perseel geleë is indien dit blyk uit inligting onder eed of bevestiging dat daar redelike gronde is om te glo dat 'n bepaling van hierdie Wet oortrec is of word.
- (2) 'n Lasbrief wat kragtens hierdie artikel uitgereik is moet 'n beskrywing gee—
 - (a) van die perseel wat betree mag word en welke van die handelingte vermeld in artikel 29(1) deur die polisiebeampte verrig mag word;
 - (b) van die tydperk waartydens die perseel afgesluit mag word vir doeleindes van artikel 29(1)(f), welke nie sewe dae mag oorskry nie; en
 - (c) of die lasbrief uitvoering in die nag magtig.
 - (3) 'n Lasbrief beoog in hierdie artikel bly van krag—
 - (a) totdat dit uitgevoer is;
 - (b) totdat dit gekanselleer is deur die persoon wat dit uitgereik het, of indien sodanige persoon nie beskikbaar is nie, deur enige ander persoon met soortgelyke magtiging;
 - (c) een maand vanaf die datum van uitreiking daarvan; of
 - (d) totdat die doel waarvoor die lasbrief uitgereik is, nie meer bestaan nie, welke ook al eerste plaasvind.

Verlening van bevoegdhede

31. (1) Die Minister kan by kennisgewing in die *Staatskoerant*, hetsy in die algemeen of onderhewig aan sodanige voorwaardes as wat in die kennisgewing uiteengesit mag word, die bevoegdhede beoog in hierdie Hoofstuk aan enige persoon in diens van 'n openbare entiteit bedoel in die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999) of enige ander statutêre liggaam verleen, indien daardie persoon 'n vredesbeampte is soos bedoel in artikel 1 van die Strafproseswet, 1977 (Wet No. 51 van 1977).
- (2) Die kennisgewing in subartikel (1) beoog moet uiteensit—
 - (a) die mate waartoe en die voorwaardes waarkragtens sodanige bevoegdhede aan sodanige persoon verleen word; en
 - (b) die voorskrifte wat op sodanige persoon van toepassing is tydens die uitoefening van sodanige bevoegdhede.

HOOFSTUK 9

ALGEMENE BEPALINGS

Misdrywe en strawwe

32. (1) Enigeen wat—
- (a) versuim om te voldoen aan artikel 2(1);
 - (b) versuim om aansoek om registrasie van alle persele te doen kragtens artikel 3(2);

- (c) furnishes false information in support of an application in terms of section 4;
- (d) furnishes false information in support of an application in terms of section 5;
- (e) contravenes or fails to comply with the prescribed certificate or the conditions specified on such prescribed certificate by—
- (i) dealing in classes of goods other than those specified on the certificate of registration; 5
- (ii) conducting business from premises other than those specified on the certificate of registration; or
- (iii) conducting business in a manner other than specified on the certificate of registration; 10
- (f) contravenes or fails to comply with section 8(1) or (4);
- (g) contravenes or fails to comply with section 10(2) or (6);
- (h) fails to renew registration in terms of section 11(1) and who continues to conduct the business of a dealer;
- (i) fails to surrender or transfers a certificate other than in the manner prescribed in section 12; 15
- (j) contravenes or fails to comply with section 15;
- (k) contravenes or fails to comply with section 21(1), (3), (4), (5), (6), or (7);
- (l) contravenes or fails to comply with section 22(1) or (3);
- (m) contravenes or fails to comply with section 23; 20
- (n) contravenes or fails to comply with section 24(1), (3), (4) or (5);
- (o) contravenes or fails to comply with section 25(1), (4) or (5);
- (p) contravenes or fails to comply with section 26(1), (3), (4) or (5);
- (q) as a dealer contravenes or fails to comply with section 28;
- (r) contravenes or fails to comply with section 37; or 25
- (s) contravenes or fails to comply with section 43(1), (2) or (3),
- is guilty of an offence.

(2) Any person convicted of a contravention of or a failure to comply with any section mentioned in Column 1 of Schedule 3, may be sentenced to a fine or to imprisonment for a period not exceeding the period mentioned in Column 2 of that Schedule opposite the number of that section, or to both a fine and such imprisonment. 30

(3) A court may in addition to any other penalty imposed upon conviction of a person of any of the offences under this Act—

- (a) in the event of a continuing contravention, impose a further fine or imprisonment for a period of 30 days or both a fine and such imprisonment for each day on which such contravention continued; 35
- (b) suspend or cancel any exemption granted in terms of this Act;
- (c) suspend or cancel any registration; and
- (d) order that the second-hand goods that formed the subject of the charge against that person, be forfeited to the State. 40

Appeals

33. (1) A dealer who is aggrieved by any decision taken by the National Commissioner in terms of this Act may, in the prescribed manner, appeal to the Minister against that decision.

- (2) The Minister may— 45
- (a) confirm, set aside or amend the decision taken by the National Commissioner; or
- (b) make such order with regard thereto as may be fair and practicable.

Lodging of applications and notices

34. An application or notice contemplated in this Act must be lodged with the Designated Police Officer in whose station precinct the dealer, as the case may be, carries on business or stores any second-hand goods or intends to carry on business or intends to store any second-hand goods. 50

- (c) vals inligting verskaf ter ondersteuning van 'n aansoek kragtens artikel 4;
- (d) vals inligting verskaf ter ondersteuning van 'n aansoek kragtens artikel 5;
- (e) die voorgeskrewe sertifikaat of die voorwaardes omskryf op sodanige voorgeskrewe sertifikaat oortree of versuim om daaraan te voldoen deur—
- (i) handel te dryf in klasse goedere anders as daardie omskryf in die registrasiesertifikaat; 5
- (ii) handel te dryf vanuit 'n ander perseel as daardie omskryf in die registrasiesertifikaat; of
- (iii) handel te dryf op 'n wyse anders as wat omskryf word op die registrasiesertifikaat; 10
- (f) artikel 8(1) of (4) oortree of versuim om daaraan te voldoen;
- (g) artikel 10(2) of (6) oortree of versuim om daaraan te voldoen;
- (h) versuim om registrasie kragtens artikel 11(1) te hernu en voortgaan om besigheid as handelaar te doen;
- (i) versuim om 'n sertifikaat op te gee of wat 'n sertifikaat oordra op 'n ander wyse as wat in artikel 12 voorgeskryf word; 15
- (j) artikel 15 oortree of versuim om daaraan te voldoen;
- (k) artikel 21(1), (3), (4), (5), (6), of (7) oortree of versuim om daaraan te voldoen;
- (l) artikel 22(1) of (3) oortree of versuim om daaraan te voldoen;
- (m) artikel 23 oortree of versuim om daaraan te voldoen; 20
- (n) artikel 24(1), (3), (4) of (5) oortree of versuim om daaraan te voldoen;
- (o) artikel 25(1), (4) of (5) oortree of versuim om daaraan te voldoen;
- (p) artikel 26(1), (3), (4) of (5) oortree of versuim om daaraan te voldoen;
- (q) as handelaar artikel 28 oortree of versuim om daaraan te voldoen;
- (r) artikel 37 oortree of versuim om daaraan te voldoen; or 25
- (s) artikel 43(1), (2) of (3) oortree of versuim om daaraan te voldoen,
- is aan 'n misdryf skuldig.

(2) Enigeen wat skuldig bevind word aan 'n oortreding van of versuim om te voldoen aan enige artikel vermeld in Kolom 1 van Bylae 3, kan gevonniss word tot 'n boete of gevangenisstraf vir 'n tydperk wat nie die tydperk vermeld in Kolom 2 van daardie Bylae teenoor die nommer van daardie artikel, te bowe mag gaan nie, of tot beide sodanige boete of gevangenisstraf. 30

(3) 'n Hof wat enigiemand skuldig bevind aan 'n misdryf ingevolge hierdie Wet kan, benewens enige ander straf opgelê ten opsigte van daardie misdryf—

- (a) in die geval van 'n voortdurende oortreding, 'n bykomende boete of gevangenisstraf vir 'n tydperk van hoogstens 30 dae of sodanige boete sowel as sodanige gevangenisstraf vir elke dag waarop die misdryf voortgeduur het, oplê; 35
- (b) enige vrystelling toegestaan kragtens hierdie Wet opskort of kanselleer;
- (c) enige registrasie ingevolge hierdie Wet opskort of kanselleer; of 40
- (d) beveel dat die tweedehandse goedere wat die onderwerp was van die aanklag teen die persoon, aan die Staat verbeurd verklaar word.

Appèlle

33. (1) 'n Handelaar wat gegrief voel deur enige beslissing deur die Nasionale Kommissaris kragtens hierdie Wet, kan op die voorgeskrewe wyse teen daardie beslissing na die Minister appèlleer. 45

(2) Die Minister kan—

- (a) die besluit deur die Nasionale Kommissaris geneem bevestig, tersydestel of wysig; of
- (b) sodanige opdrag ten opsigte daarvan gee as wat billik en prakties is. 50

Indiening van aansoeke en kennisgewings

34. 'n Aansoek of kennisgewing bedoel in hierdie Wet moet ingedien word by die Aangewese Polisieoffisier in wie se stasiewyk die handelaar besigheid doen of tweedehandse goedere berg of van voornemens is om besigheid te doen of van voornemens is om enige tweedehandse goedere te berg, na gelang van die geval. 55

Service of documents

35. (1) The manner of service of a notice or other document to be served on or given to a person in terms of this Act may be prescribed.

(2) This section does not apply to notices or other documents served or given during the course of any proceedings in a court of law. 5

Return of service

36. A document that is signed by a police official indicating that the service was effected in accordance with section 35(1) is, upon production in a court, *prima facie* evidence of service of the document.

Defaced, lost or stolen certificates 10

37. (1) If a certificate issued in terms of this Act is lost or stolen, the holder of the certificate must inform the National Commissioner within 30 days of the discovery of the loss or theft.

(2) If a certificate issued in terms of this Act is defaced, lost or stolen, the holder of the certificate must within 30 days of the discovery of the defacement, loss or theft apply to the National Commissioner in the prescribed manner for a copy of the certificate. 15

Delegation

38. (1) The Minister may in writing delegate any function conferred upon the Minister under this Act, except a function referred to in section 33 or 41, to the National Commissioner or any other police official. 20

(2) The National Commissioner may in writing delegate any function conferred upon him or her by this Act to any official in the service of the State or employed by a statutory body.

(3) An official to whom a function has been delegated in terms of subsection (2) must perform the function subject to the control and directions of the National Commissioner. 25

Condonation and extension of time

39. The National Commissioner may, on good cause shown and on grounds which are not in conflict with the objects of this Act, extend any period contemplated in this Act or condone any disqualification contemplated in section 14.

Jurisdiction of magistrates' courts 30

40. Notwithstanding any law to the contrary, a magistrate's court has jurisdiction to impose any penalty provided for in this Act.

Regulations

41. (1) The Minister may make regulations regarding—

(a) any matter that in terms of this Act may or must be prescribed; 35

(b) the form and manner in which an application required under this Act must be made;

(c) all matters related to accreditation, including but not limited to—

(i) the requirements regarding the business form of the dealers' association; 40

(ii) the recommended code of conduct for each type of dealers' association;

(iii) the recommended disciplinary code for each type of dealers' association; and

(iv) guidelines for a fee structure; 45

(d) standard conditions to which registration is subject;

(e) conditions or exemptions with regard to dealing in different classes or kinds of second-hand goods;

(f) conditions or exemptions with regard to members of accredited associations;

(g) conditions with regard to dealing on different premises; 50

Betekening van dokumente

35. (1) Die wyse waarop 'n kennisgewing of ander dokument ingevolge hierdie Wet beteken of aan 'n persoon oorhandig moet word, kan voorgeskryf word.

(2) Hierdie artikel is nie van toepassing op kennisgewings of ander dokumente wat beteken of afgegee word tydens die verloop van enige verrigtinge in 'n geregshof nie. 5

Relaas van betekening

36. 'n Dokument deur 'n polisiebeampte onderteken wat aandui dat betekening gedoen is ooreenkomstig artikel 35(1), is by voorlegging in 'n hof, *prima facie* getuienis van die betekening van die dokument.

Geskonde, verlore of gesteelde sertifikate

10

37. (1) Indien 'n sertifikaat wat ingevolge hierdie Wet uitgereik is, verlore raak of gesteel word, moet die houer van die sertifikaat die Nasionale Kommissaris binne 30 dae vanaf die ontdekking van die verlies of diefstal in kennis stel.

(2) Indien 'n sertifikaat wat ingevolge hierdie Wet uitgereik is geskend raak, verlore raak of gesteel word, moet die houer van die sertifikaat binne 30 dae vanaf die ontdekking van die skending, verlies of diefstal, op die voorgeskrewe wyse by die Nasionale Kommissaris aansoek doen vir 'n kopie van die sertifikaat. 15

Delegasie

38. (1) Die Minister kan enige werksaamheid aan die Minister opgedra kragtens hierdie Wet, behalwe 'n werksaamheid kragtens artikels 33 of 41, skriftelik aan die Nasionale Kommissaris of enige ander polisiebeampte deleger. 20

(2) Die Nasionale Kommissaris kan enige werksaamheid aan hom of haar opgedra deur hierdie Wet skriftelik aan enige beampte in diens van die Staat of in diens van 'n statutêre liggaam deleger.

(3) 'n Beampte aan wie 'n funksie gedeleger is kragtens subartikel (2) moet die funksie verrig onderhewig aan die beheer en voorskrifte van die Nasionale Kommissaris. 25

Kondonasie en verlenging van tydperke

39. Die Nasionale Kommissaris kan, met opgawe van goeie redes en op gronde wat nie in stryd met die doelwitte van hierdie Wet is nie, enige tydperk bedoel in hierdie Wet verleng of enige diskwalifikasie bedoel in artikel 14 kondoneer. 30

Jurisdiksie van landdroshowe

40. Nictestaanende enige wetgewing tot die teendeel, beskik 'n landdroshof oor jurisdiksie om enige straf in hierdie Wet bepaal, op te lê.

Regulasies

35

41. (1) Die Minister kan regulasies uitvaardig aangaande—

(a) enige aangeleentheid wat kragtens hierdie Wet voorgeskryf kan of moet word;

(b) die vorm en wyse waarop 'n aansoek ingevolge hierdie Wet vereis, gedoen moet word;

(c) alle aangeleenthede met betrekking tot akkreditasie, wat insluit maar nie beperk is nie tot— 40

(i) die vereistes rakende die besigheidsvorm van die handelaarsvereniging;

(ii) die aanbevole gedragskode vir elke tipe handelaarsvereniging;

(iii) die aanbevole dissiplinêre kode vir elke tipe handelaarsvereniging; en 45

(iv) riglyne vir 'n fooistruktuur;

(d) standaardvoorwaardes waaraan registrasie onderhewig is;

(e) voorwaardes of vrystellings met betrekking tot handeldryf in verskillende klasse of soorte tweedehandse goedere;

(f) voorwaardes of vrystellings ten opsigte van lede van geakkrediteerde verenigings; 50

(g) voorwaardes met betrekking tot handeldryf op verskillende persele;

- (h) the lay-out of registered premises with regard to different second-hand goods or classes of second-hand goods;
- (i) the format of a certificate which may be issued under this Act;
- (j) the withdrawal or amendment of accreditation, registration or a certificate;
- (k) the format of any notice contemplated in this Act; 5
- (l) after consultation with the Minister of Finance, fees payable for accreditation, applications for registration or certificates;
- (m) the format and content of any registers;
- (n) the information to be furnished by dealers to consumers;
- (o) the times during which dealers may acquire and dispose of second-hand goods; and 10
- (p) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation and administration of this Act.
- (2) The Minister may make different regulations for different categories or classes of— 15
- (a) associations and dealers; and
- (b) second-hand goods or premises.
- (3) A regulation made under subsection (1) may provide for a penalty, for any contravention thereof or for a failure to comply therewith, of a fine or imprisonment for a period not exceeding 12 months or to both a fine and such imprisonment. 20

Application of Act and Promotion of Administrative Justice Act, 2000

42. (1) This Act does not apply to—
- (a) any second-hand goods sold or disposed of by way of public auction authorised by a warrant of execution under a judgment or order of a court of law; 25
- (b) any dealer who is a member of an accredited association to the extent that the Minister by notice in the *Gazette* exempts members of such an association from any or all of the provisions of this Act; or
- (c) any charity organisation to the extent that the Minister by notice in the *Gazette* exempts such charity from any or all of the provisions of this Act. 30
- (2) The Minister may only exempt members of associations that are accredited by the National Commissioner and capable of introducing adequate levels of self-regulation in order to achieve the objects of this Act.
- (3) Any administrative process conducted, or decision taken, in terms of this Act must be conducted or taken in accordance with the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), unless otherwise provided for in this Act. 35

CHAPTER 10

Transitional provisions

43. (1) (a) Any person who, immediately before the commencement of this Act, carried on business as a dealer must, within three months of the date of such commencement, apply for registration in terms of section 3. 40
- (b) If an application for registration has been lodged before the end of the period provided for in paragraph (a), the dealer concerned may continue carrying on the business in question, subject to subsections (2) and (3), until the application is decided. 45
- (2) A person contemplated in subsection (1) must enter into a transitional register all the second-hand goods or pawned goods, as the case may be, held by such person for such business purposes until his or her application in terms of section 4 is decided.
- (3) An entry referred to in subsection (2) must set out a full description of the second-hand goods in question, indicating the quantity and colour thereof, identification marks and any other distinguishing features thereon and, in the case of controlled metal, its description and weight and the value thereof as estimated by the dealer concerned. 50

- (h) die uitleg van geregistreerde persele met betrekking tot die verskillende tweedehandse goedere of klasse tweedehandse goedere;
- (i) die formaat van 'n sertifikaat wat kragtens hierdie Wet uitgereik mag word;
- (j) die intrekking of wysiging van akkreditasie, registrasie of 'n sertifikaat;
- (k) die formaat van enige kennisgewing bedoel in hierdie Wet; 5
- (l) na oorlegpleging met die Minister van Finansies, fooie betaalbaar vir akkreditasie, aansoeke vir registrasie of sertifikate;
- (m) die formaat en inhoud van enige register;
- (n) die inligting wat deur handelaars aan verbruikers verskaf moet word;
- (o) die tye waartydens handelaars tweedehandse goedere mag verkry of daarvoor 10 beskik; en
- (p) enige aanvullende of bykomende administratiewe of prosedurele aangeleentheid wat nodig is om voor te skryf vir die behoorlike inwerkingstelling en administrasie van hierdie Wet.
- (2) Die Minister kan verskillende regulasies uitvaardig vir verskillende kategorieë of 15 klasse—
- (a) verenigings en handelaars; en
- (b) tweedehandse goedere of persele.
- (3) 'n Regulasie uitvaardig kragtens subartikel (1) kan vir 'n straf voorsiening maak vir enige oortreding daarvan of versuim om daaraan te voldoen van 'n boete of 20 gevangenisstraf vir 'n tydperk van hoogstens 12 maande of sodanige boete sowel as sodanige gevangenisstraf.

Toepassing van Wet en “Promotion of Administrative Justice Act, 2000”

42. (1) Hierdie Wet is nie van toepassing nie op—
- (a) enige tweedehandse goed wat verkoop of van die hand gesit word by wyse van 25 openbare veiling wat gemagtig word deur 'n eksekusieklasbrief kragtens 'n vonnis of bevel van 'n geregshof;
- (b) enige handelaar wat 'n lid van 'n geakkrediteerde vereniging is tot die mate waartoe die Minister by kennisgewing in die Staatskoerant lede van sodanige vereniging van enige of al die bepalings van hierdie Wet vrystel; of 30
- (c) enige liefdadigheidsorganisasie tot die mate waartoe die Minister by kennisgewing in die *Staatskoerant* sodanige organisasie vrystel van enige of alle bepalings van hierdie Wet.
- (2) Die Minister kan slegs lede van verenigings wat deur die Nasionale Kommissaris geakkrediteer is en in staat is om 'n voldoende vlak van selfregulasie in te stel om die 35 doeleindes van hierdie Wet te bereik, vrystel.
- (3) Enige administratiewe proses onderneem, of besluit geneem, kragtens hierdie Wet moet onderneem of geneem word in ooreenstemming met die “Promotion of Administrative Justice Act, 2000” (Wet No. 3 van 2000), tensy daar in hierdie Wet 40 anders bepaal word.

HOOFSTUK 10

Oorgangsbepalings

43. (1) (a) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet, handel gedryf het as 'n handelaar moet, binne drie maande vanaf die datum van sodanige inwerkingtreding, aansoek doen om registrasie ingevolge artikel 3. 45
- (b) Indien 'n aansoek om registrasie ingedien is voor die verstryking van die tydperk waarvoor in paragraaf (a) voorsiening gemaak is, mag die betrokke handelaar voortgaan om die betrokke besigheid te doen, onderhewig aan subartikels (2) en (3), totdat daar oor die aansoek beslis is.
- (2) 'n Persoon in subartikel (1) bedoel moet al die tweedehandse goedere of 50 pandgoedere, na gelang van die geval, wat sodanige persoon vir sodanige besigheidsdoeleindes hou, in 'n oorgangsregister aanteken totdat daar beslis is oor sy of haar aansoek ingevolge artikel 4.
- (3) 'n Inskrywing na verwys in subartikel (2) moet 'n volle beskrywing gee van die betrokke tweedehandse goed, die hoeveelheid en kleur daarvan, identifikasiemerke en 55 ander onderskeidende kenmerke daarop en, in die geval van beheerde metaal, die beskrywing en gewig en die waarde daarvan soos deur die betrokke handelaar geskat.

(4) A Designated Police Officer or a police official authorised by the Designated Police Officer must endorse the last entry in the transitional register and on each page thereof of every dealer that applies for registration in terms of subsection (1).

Repeal of laws

44. The laws mentioned in the second column to Schedule 4 are hereby repealed to the extent set out in the third column of that Schedule. 5

Short title and commencement

45. This Act is called the Second-Hand Goods Act, 2009, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

(4) Die Aangewese Polisie-offisier of 'n polisiebeampte wat deur die Aangewese Polisieoffisier gemagtig is moet die laaste inskrywing in die oorgangsregister endosseer en elke bladsy daarvan van iedere handelaar wat aansoek doen om registrasie kragtens subartikel (1).

Herroeping van wette

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44. Die wette vermeld in die tweede kolom van Bylae 3 word hierby herroep tot die mate in die derde kolom van daardie Bylae vermeld.

Kort titel en inwerkingtreding

45. Hierdie Wet heet die Wet op Tweedehandse Goed, 2009, en tree in werking op 'n datum deur die President by proklamasie in die *Staatskoerant* bepaal.

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SCHEDULE 1*(Section 1)***GOODS**

Jewellery, including unwrought precious metal as defined in the Precious Metals Act, 2005 (Act No. 27 of 2005).	5
Agricultural implements, including tractors, ploughs and harvesters, irrigation equipment or any part or accessory thereof.	
Bicycles or any part or accessory thereof.	
Household and office equipment.	10
Factory equipment and machinery or any part or accessory thereof.	
Tyres of any vehicle or motorcycle.	
Communication equipment or any part or accessory thereof.	
Photographic or optical instruments or any part or accessory thereof.	
Any controlled metal, or any wrought article, or any article or substance consisting wholly or principally of one or more of such metals.	15
Antique goods.	
Motor vehicle or any part or accessory thereof.	
Vehicles or any part or accessory thereof.	
Sporting equipment.	20
Valuables.	
Books.	
Shop-fitting equipment.	

SCHEDULE 2*(Section 1)*

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CONTROLLED METALS

Copper, aluminium, zinc, chrome, lead, white metal, nickel, tungsten, tin, ferrovanadium, ferrosilicon, ferrochrome, brass, bronze, cobalt and precious metals as defined in the Precious Metals Act, 2005 (Act No. 27 of 2005), or any article consisting wholly or principally of any of those metals.	30
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BYLAE 1
(Artikel 1)

GOEDERE

Juweliersware, met inbegrip van ongesmede edelmetaal soos in die Precious Metals Act, 2005 (Wet No. 27 van 2005) omskryf.	5
Landbou-implemente met inbegrip van trekkers, ploë en dorsmasjiene, besproeiingstoerusting of enige onderdeel of bybehore.	
Fietse of enige onderdeel of bybehore.	
Huishoudelike- en kantoortoerusting.	10
Fabriekstoerusting en masjinerie of enige onderdeel of bybehore.	
Bande van enige voertuig of motorfiets.	
Kommunikasietoerusting of enige onderdeel of bybehore.	
Fotografiese of optiese instrumente of enige onderdeel of bybehore.	
Enige beheerde metaal, of enige gesmede artikel, of enige artikel of stof wat in geheel of hoofsaaklik bestaan uit een of meer sodanige metale.	15
Oudhede	
Motorvoertuie of enige onderdeel of bybehore.	
Voertuie of enige onderdeel of bybehore.	
Sportuitrusting.	20
Waardevolle artikels.	
Boeke.	
Winkelinrig-toerusting.	

BYLAE 2
(Artikel 1)

25

BEHEERDE METALE

Koper, aluminium, sink, chroom, lood, witmetaal, nikkel, tungsten, tin, ferrovanadium, ferrosilikon, ferrochroom, rooikoper, brons, kobalt en edelmetale soos omskryf in die "Precious Metals Act, 2006" (Wet No. 27 van 2005), of enige artikel wat in geheel of hoofsaaklik uit enige sodanige metale bestaan.	30
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SCHEDULE 3**OFFENCES AND PENALTIES***(Section 32)*

Section	Maximum period of imprisonment	
2(1)	10 years	5
3(2)	10 years	
4	10 years	
5	10 years	
8(1) or (4)	Three years	10
10(2) or (6)	Three years	
11	Three years	
12	Three years	
15	Three years	
21(1)	10 years	15
21(3), (4), (5), (6) or (7)	Five years	
22(1) or (3)	10 years	
23	10 years	
24(1)	10 years	
24(3), (4) or (5)	Five years	20
25(1), (4) or (5)	10 years	
26(1), (3) or (5)	10 years	
28	10 years	
37	Three years	
43(1), (2) or (3)	Three years	25

SCHEDULE 4**LAWS REPEALED***(Section 44)*

No. and year	Short title	Extent of repeal	
Act No. 23 of 1955	Second-hand Goods Act, 1955	The whole	30
Act No. 50 of 1956	General Law Amendment Act, 1956	Section 21	
Act No. 68 of 1957	General Law Amendment Act, 1957	Sections 43 and 44	
Act No. 18 of 1978	Second-hand Goods Amendment Act, 1978	The whole	35
Act No. 88 of 1996	Abolition of Restrictions on the Jurisdictions of Courts Act, 1996	Section 7	

BYLAE 3
(Artikel 32)

Artikel	Maksimum tydperk Gevangenisstraf	
2(1)	10 jaar	5
3(2)	10 jaar	
4	10 jaar	
4	10 jaar	
8(1) of (4)	Drie jaar	
10(2) of (6)	Drie jaar	10
11	Drie jaar	
12	Drie jaar	
15	Drie jaar	
21(1)	10 jaar	
21(3), (4), (5), (6) of (7)	Vyf jaar	15
22(1) of (3)	10 jaar	
23	10 jaar	
24(1)	10 jaar	
24(3), (4) of (5)	Vyf jaar	
25(1), (4) of (5)	10 jaar	20
26(1), (3) of (5)	10 jaar	
28	10 jaar	
37	Drie jaar	
43(1), (2) of (3)	Drie jaar	

BYLAE 4

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WETTE HERROEP
(Artikel 44)

No. en jaar	Kort titel	Omvang van herroeping	
Wet No. 23 van 1955	Wet op Tweedehandse Goed, 1955	Die geheel	30
Wet No. 50 van 1956	Algemene Regswysigingswet, 1956	Artikel 21	
Wet No. 68 van 1957	Algemene Regswysigingswet, 1957	Artikels 43 en 44	
Wet No. 18 van 1978	Wysigingswet op Tweedehandse Goed, 1978	Die geheel	
Wet No. 88 van 1996	Afskaffing van Beperkinge op die Jurisdiksie van Geregshowewet, 1996	Artikel 7	35