

BILL NO. 14 OF 1957.  
THE PAWNBROKING (AMENDMENT) BILL, 1957.  
Arrangement of sections.

Section

- 1. Short title.
- 2. Amendment of section 3 of Cap. 336.
- 3. Repeal and re-enactment of section 7 of Cap. 336.
- 4. Amendment of section 10 of Cap. 336.
- 5. Insertion of new section 10A in Cap. 336.
- 6. Amendment of section 13 of Cap. 336.
- 7. Repeal and re-enactment of section 16 of Cap. 336.
- 8. Amendment of section 17 of Cap. 336.
- 9. Amendment of section 18 (1) of Cap. 336.
- 10. Insertion of new title and sections in Cap. 336.
- 11. Amendment of section 21 of Cap. 336.
- 12. Amendment of section 23 (1) of Cap. 336.
- 13. Amendment of section 24 of Cap. 336.
- 14. Amendment of section 26 of Cap. 336.
- 15. Amendment of section 28 (2) of Cap. 336.
- 16. Amendment of section 32 of Cap. 336.
- 17. Amendment of section 33 of Cap. 336.
- 18. Repeal of section 41 of Cap. 336.
- 19. Amendment of first schedule to Cap. 336.
- 20. Amendment of second schedule to Cap. 336.
- 21. Amendment of third schedule to Cap. 336.
- 22. Commencement.

A BILL  
INTITLED

AN ORDINANCE TO AMEND THE PAWNBROKING  
ORDINANCE.

Enacted by the Legislature of British Guiana:—

1. This Ordinance may be cited as the Pawnbroking (Amendment) Ordinance, 1957, and shall be construed and read as one with the Pawnbroking Ordinance, hereinafter referred to as the Principal Ordinance.

Short title.  
Cap. 336.

2. Section 3 of the Principal Ordinance is hereby amended by the substitution for the words "not exceeding fifty dollars" wherever they occur, of the words "not exceeding two hundred and fifty dollars".

Amendment  
of section 3  
of Cap. 336.

3. Section 7 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and  
re-enactment  
of section 7  
of Cap. 336.

"Applica-  
tion of Or-  
dinance in  
respect of  
loans.

7.(1) This Ordinance shall apply to any loan by a pawnbroker not exceeding two hundred and fifty dollars except as in this Ordinance otherwise provided in relation to any loan where a special contract under the provisions of this Ordinance is made between the pawnbroker and the pawner at the time of pawning.

(2) Nothing in this Ordinance shall apply to a loan by a pawnbroker exceeding two hundred and fifty dollars or to the pledge on which the loan is made, or to the pawnbroker or pawner in relation to the loan or pledge, and no person shall be deemed to be a pawnbroker by reason only of his paying, advancing or lending on any terms any sum or sums exceeding two hundred and fifty dollars".

4. Subsection (1) of section 10 of the Principal Ordinance is hereby amended by the insertion therein after the words "give to the pawner a pawnticket" of the words "on which shall be indorsed the value of the pledge as agreed upon between the pawnbroker and the pawner".

Amendment  
of section 10  
of Cap. 336.

Insertion of  
new section  
10A in Cap.  
336.

5. The Principal Ordinance is hereby amended by the insertion therein after section 10 of the following new section —

“Special provisions in relation to pledges of precious metals.

10A (1) Where any article made of any precious metal or containing any precious metal is taken in pawn, the pawnbroker shall indorse upon the pawn-ticket the following particulars —

- (a) the weight of the pledge and a description of the metal;
- (b) in the case of any pledge of gold the purity of the gold; and
- (c) the value of the pledge, as agreed upon between the pawnbroker and the pawner, both in words and figures.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence.

(3) In this section —

“precious metal” means gold, platinum or silver.”

Amendment  
of section 13  
of Cap. 336.

6. Subsection (1) of section 13 of the Principal Ordinance is hereby amended by the insertion therein after the words “by public auction” of the words “not later than eighteen months after the pledge has been pawned”.

Repeal and  
re-enact-  
ment of sec-  
tion 16 of  
Cap. 336.

7. Section 16 of the Principal Ordinance is hereby repealed and the following substituted therefor —

“Surplus  
balances  
from sales of  
pledges to  
be paid to  
Public  
Trustee.

16. (1) Where any pledge which has been pawned for above five dollars is sold for more than the amount of the loan and profit due at the time of the sale, the pawnbroker shall pay the surplus to the Public Trustee on behalf of the pawner not later than six months after the date of the sale.

(2) The Public Trustee shall, not later than three months after the receipt of any surplus balances under the provisions of subsection (1) of this section, publish in one daily newspaper circulating in the Colony a list of the names of the persons on behalf of whom he is holding surplus balances under the provisions of subsection (1) of this section.

(3) Where upon the application of any person, the Public Trustee is satisfied that such person is the pawner of an article in respect of which the Public Trustee is holding any surplus balance, the Public Trustee shall pay such surplus balance to such person.

(4) The Public Trustee shall pay into the general revenue of the Colony any surplus balances in his possession for more than three years.

(5) The Public Trustee shall keep copies of the lists published under the provisions of subsection (2) of this section, and such lists shall be open to inspection by any person whose name appears thereon.

Amendment  
of section  
17 of Cap.  
336.

8. Section 17 of the Principal Ordinance is hereby amended —

(a) by the substitution for paragraph (e) of the following paragraph—

“(e) deals with any pledge or the proceeds of sale thereof otherwise than in the manner prescribed by this Ordinance, or fails without lawful excuse (the proof whereof shall be on him) to do, in relation to any pledge or the proceeds of sale thereof any act he is required to do under the provisions of this Ordinance;” and

(b) by the substitution for the words “forfeit to the person aggrieved a sum” of the words “a penalty”.

Amendment  
of section  
18 (1) of  
Cap. 336.

9. Subsection (1) of section 18 of the Principal Ordinance is hereby amended by relettering paragraphs (a) and (b) of the proviso as paragraphs (b) and (c) respectively, and by the insertion of the following as paragraph (a)

“(a) the rate of profit charged shall not exceed the rate prescribed for special contracts by this Ordinance;”.

Insertion of  
new title and  
sections in  
Cap. 336.

10. The Principal Ordinance is hereby amended by the insertion therein after section 18 of the following new title and sections —

## PRECAUTIONS AGAINST THEFT AND FIRE.

Precautions  
against  
theft and  
fire.

18A (1) Every pawnbroker shall keep on his business premises a vault for the storage of pledges which is reasonably secure against theft and fire.

(2) Every pawnbroker shall at all times keep his premises reasonably secure against theft and fire.

Insurance  
against  
theft and  
fire.

18B (1) Every pawnbroker shall insure against theft and fire every pledge to the extent of its full value as agreed upon between the pawnbroker and the pawner.

(2) Any pawnbroker who contravenes the provisions of subsection (1) of this section shall be liable on summary conviction to a penalty not exceeding fifty dollars in respect of each pledge he fails to insure as required by subsection (1) of this section.

11. Section 21 of the Principal Ordinance is hereby amended—
- (a) by the substitution for the words "is destroyed or damaged by or in consequence of fire" of the words "is stolen, or is destroyed or damaged as a result of fire"; and
- (b) by the repeal of subsection (2).

Amendment  
of section 21  
of Cap. 336.

12. Paragraph (b) of subsection (1) of section 23 of the Principal Ordinance is hereby amended —
- (a) by the substitution for the words "on the third day" of the words "one month"; and
- (b) by the deletion of the brackets and words occurring after the words "by the pawnbroker".

Amendment  
of section  
23 (1) of  
Cap. 336.

13. Section 24 of the Principal Ordinance is hereby amended by the substitution for the words occurring after the words "the delivery thereof to the owner" of the words "on payment to the pawnbroker of the amount of the loan and profit where the magistrate or the court is satisfied that the pawnbroker acted in good faith and without negligence; and, subject to the foregoing, no action shall lie against any pawnbroker in respect of any pledge in his possession unless the plaintiff avers and proves that the pawnbroker acted in bad faith or was negligent at the time the article was pledged.

Amendment  
of section 24  
of Cap. 336.

14. Paragraph (a) of section 26 of the Principal Ordinance is hereby amended by the substitution for the words "twelve years" of the words "sixteen years".

Amendment  
of section 26  
of Cap. 336.

15. Subsection (2) of section 28 of the Principal Ordinance is hereby amended by the substitution for the words "a justice of the peace" of the words "a magistrate".

Amendment  
of section  
28 (2) of  
Cap. 336.

16. Section 32 of the Principal Ordinance is hereby amended by the addition thereto of the following subsection —
- "(3) No licence shall be granted to any person unless he produces satisfactory evidence that he can obtain insurance against both theft and fire."

Amendment  
of section 32  
of Cap. 336.

17. Section 33 of the Principal Ordinance is hereby amended by the substitution for the words "to a penalty not exceeding fifty dollars" of the words "to a penalty not exceeding twice the declared value of the pledge or fifty dollars, whichever is the greater".

Amendment  
of section 33  
of Cap. 336.

18. Section 41 of the Principal Ordinance is hereby repealed.

Repeal of  
section 41 of  
Cap. 336.

19. The first schedule to the Principal Ordinance is hereby amended —

Amendment  
of first  
schedule to  
Cap. 336.

- (a) by the substitution for the forms appearing therein as items 1, 2, 3 and 7 of the forms appearing in the first schedule to this Ordinance as items 1, 2, 3, 7 and 8; and

First  
schedule.

- (b) by the deletion of item 6.

20. The second schedule to the Principal Ordinance is hereby amended —

- (a) by the deletion from Part I of the words "On loan of ten dollars or under, and on loans above ten dollars as to which there is no special contract,"; and

Amendment  
of second  
schedule to  
Cap. 336.



PAWN-TICKET

A.

For loan of \$5.00 or under

Pawned with ..... Pawnbroker,  
(name)

.....  
(address)

this ..... day of ....., 19...

by ..... of lot .....  
(name) (address)

for the sum of (\$.. ..) ..... dollars,

.....  
(description of article)

(Conditions to be printed on the ticket).

The pawnbroker is entitled to charge:—

For this ticket two cents.

For profit on the first 50 cents or part thereof lent on this pledge for not more than one calendar month, one cent, and on each complete sum of 50 cents above the first 50 cents for the said period a further one cent.

And so on at the same rate per calendar month.

After the first calendar month, any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

The pawnbroker is also entitled to charge in addition to the foregoing charges a minimum of 1/2% of the value of this pledge to cover loss by fire or theft, such charge to be calculated as follows:—

- For a period not exceeding six months — 1/2%
- For a period exceeding six months but not exceeding twelve months — 1 %
- For a period exceeding twelve months but not exceeding eighteen months — 1 1/2%

This pledge must be redeemed within twelve calendar months and seven days from the date of pledging.

At the end of twelve months and seven days the pledge shall become the property of the pawnbroker.

If the pledge is destroyed or damaged by fire, mislaid, lost or stolen, the pawnbroker shall pay the pawner the value of the pledge after deducting the amount of the loan and profit and insurance; that value to be the sum of ..... dollars.

If this ticket is lost, mislaid or stolen, the pawner should obtain from the pawnbroker the printed form of declaration which must be made before a magistrate and returned to the pawnbroker not later than three days after the form has been delivered to the pawner by the pawnbroker otherwise the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the pledge.

The cost of this ticket shall not be included in the amount of the loan.

B.

PAWN-TICKET No. ...

For the loan of above \$5.00

Pawned with ..... pawnbroker,  
of (address) .....

this ..... day of ....., 19...

by (name) .....

of (address) .....

for the sum of (\$ .....)

..... (description of article) .....

(Conditions to be printed on the ticket).

The Pawnbroker is entitled to charge :—

For this ticket two cents.

For profit on each complete fifty cents lent on this pledge for not more than one calendar month, one cent.

And so on at the same rate per calendar month.

After the first calendar month, any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

If this pledge is not redeemed within twelve calendar months and seven days from the date of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale. Any surplus produced by the sale shall be paid to the Public Trustee to whom the pawnbroker should apply for payment of such surplus.

The value of this pledge as agreed between the pawnbroker and pawnbroker is the sum of ..... dollars and is insured against fire and theft for that sum. In case the pledge is destroyed or damaged by fire or is stolen the pawnbroker will pay the pawnbroker the value of the pledge (as stated above) less the loan and profit and the amount paid to insure the pledge.

The pawnbroker shall be entitled to collect from the pawnbroker before delivering the pledge, the loan and profit plus the amount paid to insure the pledge, — such insurance shall be collected as follows:—

For any period not exceeding 6 months — ½% of 1%

For any period exceeding 6 months but not exceeding 12 months — 1 %

For any period exceeding 12 months but not exceeding 18 months — 1½%

If this ticket is lost, mislaid or stolen, the pawnbroker should obtain from the pawnbroker the printed form of declaration which must be made before a Justice of the Peace and returned to the pawnbroker not later than three days after the form has been delivered to the pawnbroker by the pawnbroker otherwise the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the pledge.

The cost of this ticket shall not be included in the amount of the loan.



Special Contract No. ....\$.  
 Pawned with .....pawnbroker,  
 Georgetown, this .....day of .....  
 19 ... by (name) .....  
 of (address) .....for the sum  
 of .....dollars, the following articles :

(Signed) .....  
 pawnbroker.

(Signed) .....  
 pawner.

(Conditions to be printed on the ticket)

The pawnbroker charges —  
 For this ticket — four cents.  
 Profit at the rate per calendar month of one cent for each complete  
 fifty cents.  
 After the first calendar month any time not exceeding fourteen days  
 will be charged as half a month and any time exceeding fourteen  
 days and not more than one month will be charged as one month.  
 This pledge is pawned for a period of .....months.  
 After the expiration of that time, the pledge may be sold by auction by  
 the pawnbroker, but it may be redeemed by the pawner at any  
 time before the day of the sale. Any surplus produced by the  
 sale shall be paid to the Public Trustee to whom the pawner should  
 apply for payment of such surplus.  
 The value of this pledge as agreed between the pawnbroker and the  
 pawner is the sum of .....dollars and is insured against fire  
 and theft for that sum.  
 In case the pledge is damaged or destroyed by fire or is stolen, the  
 pawnbroker will pay the pawner the value of the pledge (as stated  
 above) less the loan and profit and the amount paid to insure the  
 pledge.  
 The pawnbroker shall be entitled to collect from the pawner before  
 delivering the pledge, the loan and profit plus the amount paid to  
 insure the pledge—such insurance shall be collected as follows:—  
 For any period not exceeding 6 months — ½ of 1%  
 For any period exceeding 6 months but  
 not exceeding 12 months — 1 %  
 For any period exceeding 12 months but  
 not exceeding 18 months — 1½%  
 If this ticket is lost, mislaid or stolen, the pawner should obtain from  
 the pawnbroker the printed form of declaration which must be made before  
 a Justice of the Peace and returned to the pawnbroker not later than three  
 days after the form has been delivered to the pawner by the pawnbroker  
 otherwise the pawnbroker will be bound to deliver the pledge to any per-  
 son who produces this ticket to him and claims to redeem the pledge.





## PART II

The charge for a pawnticket shall be two cents.

The charge for a special contract shall be four cents.

## PART IV

The charge on a form of declaration shall be two cents

## OBJECTS AND REASONS.

This Bill seeks to implement the recommendations of a Select Committee appointed to investigate and report upon the Pawnbroking Ordinance and to make recommendations as to the revision of that Ordinance.

2. Clauses 2 and 3 of the Bill seek to increase the amount of any loan which may be made by a pawnbroker from fifty dollars to two hundred and fifty dollars.

3. Clause 4 seeks to provide that the value of any pledge as agreed upon between the pawner and the pawnbroker, shall be indorsed upon the ticket. This provision is necessary in view of the further provisions of the Bill which seeks to make it compulsory for a pawnbroker to insure against fire and theft.

4. Clause 5 seeks to make special provisions as regards the particulars to be indorsed upon pawntickets relating to the pledge of any article made of or containing any precious metal. This provision is considered necessary as a precaution against an excess in value being placed upon pledges insured by a pawnbroker against fire and theft.

5. Clause 6 seeks to provide for the sale of articles pledged not later than eighteen months after such articles have been pledged.

6. Clause 7 seeks to provide for the payment of surplus balances remaining in the hands of a pawnbroker after a sale of pledges to be paid over to the Public Trustee and seeks to regulate the procedure to be followed by the Public Trustee in relation to such balances.

7. Clause 9 seeks to limit the rate of interest which may be charged by a pawnbroker in respect of special contracts.

8. Clause 10 seeks to prescribe the precautions to be taken by a pawnbroker against the loss of pledges as a result of theft or fire.

9. Clause 11 is consequential to clause 7.

10. Clause 12 is self-explanatory.

11. Clause 13 seeks to make provision for the protection of pawnbrokers acting in good faith where goods have been unlawfully pawned.

12. Clauses 14 and 15 are self-explanatory.

13. Clause 16 seeks to provide that no licence shall be granted to a pawnbroker unless he produces satisfactory evidence that the premises can be insured against theft and fire.

14. Clause 18 and 19 are self-explanatory.

15. Clause 20 seeks to delete certain words from Part I of the second schedule to the Principal Ordinance. These words are no longer necessary as the Bill seeks to permit interest at twenty-four per centum per annum on all pledges.

16. Clause 21 seeks to require an auctioneer when advertising the sale of pledges to give the description, weight and standard of purity in the case of an article made of gold, platinum or silver.

F. W. ESSEX,  
Financial Secretary

(M.P. IC 121/27/5).  
(Leg Bill No. 14/1957).