

ORDINANCE NO. 37 OF 1957.

PAWNBROKING (AMENDMENT) ORDINANCE, 1957.

I assent.

P. M. RENISON,

Governor.

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

AN ORDINANCE to amend the Pawnbroking Ordinance.

[10th August, 1957.]

Enacted by the Legislature of British Guiana:—

A.D. 1957.

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.

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

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 Section 7 of the Principal Ordinance is hereby repealed and the following substituted therefor —

“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”.

Amendment of section 10 of Cap. 336.

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”.

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 pro-
visions 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 pawnticket 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.”

6. Section 11 of the Principal Ordinance is hereby amended—

- (a) by renumbering the section as subsection (1); and
- (b) by the addition of the following as subsections (2) and (3) —

“(2) The Governor in Council may by Order published in the Gazette vary the amounts prescribed in Part III of the second schedule hereto.

(3) Any order made under this section may be revoked or varied by any subsequent order.”

Amendment of section 11 of Cap. 336.

7. 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".

'Amendment of section 13 of Cap. 336.

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 Section 16 of the Principal Ordinance is hereby repealed and the following substituted therefor —

Repeal and re-enactment of section 16 of Cap. 336.

"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 and charge for insurance due at the time of sale, the pawnbroker shall pay the surplus to the Public Trustee on behalf of the pawner not later than two months after the date of sale:

Provided that if at any time before it is paid to the Public Trustee the holder of a pawnticket demands the surplus, the pawnbroker shall pay it to him on delivery of the pawnticket.

(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.

(6) The provisions of subsections (1) and (2) of section 13 of the Public Trustee Ordinance shall not apply to the Public Trustee in regard to the duties under this section."

Cap. 48

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

Amendment of section 17 of Cap. 336.

(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.

10. 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 in Part I of the second schedule hereto;"

Insertion of
new title and
sections in
Cap. 336.

11. 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."

Repeal and
re-enactment
of section 21
of Cap. 336.

12. Section 21 of the Principal Ordinance is hereby repealed and the following substituted therefor —

"Liability of
pawnbroker
for theft or
destruction
as a result
of fire.

21. Where a pledge is stolen or is destroyed or damaged as a result of fire, the pawnbroker shall nevertheless be liable on application within the period during which the pledge would have been redeemable to pay the value of the pledge after deducting the amount of the loan, profit and charge for insurance."

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

13. Paragraph (b) of subsection (1) of section 23 of the Principal Ordinance is hereby amended —

(a) by the insertion of the words "or Justice of the Peace" after the words "before a magistrate";

(b) by the substitution for the words "on the third day" of the words "one month"; and

(c) by the deletion of the brackets and words, occurring after the words "by the pawnbroker".

Amendment
of section 24
of Cap. 336.

14. 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, profit and charge for insurance 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.”

15. 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.

16. 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.

17. 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.

18. 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.

19. Section 41 of the Principal Ordinance is hereby repealed. Repeal of section 41 of Cap. 336.

20. 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

(b) by the deletion of item 6.

21. Parts I to V of the second schedule of this Ordinance are substituted for Parts I to V of the second schedule to the Principal Ordinance. Amendment of second schedule to Cap. 336.

22. Regulation 4 of the Regulations set out in the third schedule to the Principal Ordinance is hereby amended by re-numbering the regulation as regulation 4(1) and by the addition of the following as subregulation (2) — Amendment of third schedule to Cap. 336.

“(2) In the case of the sale of any article made of gold, platinum or silver, or containing gold, platinum or silver, the advertisement shall, in respect of such article state the weight, description and where possible, the standard of purity of the metal.”

23. This Ordinance shall come into operation on such day as the Governor may, by Proclamation published in the Gazette, appoint. Commencement.

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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 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.

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

For a period not exceeding six months — $\frac{1}{2}\%$

For a period exceeding six months but not
exceeding twelve months 1 %

For a period exceeding twelve months
but not exceeding eighteen months — $1\frac{1}{2}\%$

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, profit and insurance.

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 or Justice of the Peace and returned to the pawnbroker not later than one month 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.

For the loan of above \$5.00.

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 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.

The value of this pledge as agreed between the pawnbroker and pawner is the sum of dollars and is insured against fire and theft for that sum.

The pawnbroker is entitled to charge in addition to the foregoing charges a minimum of $\frac{1}{2}\%$ of the value of this pledge to cover insurance against loss by fire or theft, such charge to be calculated as follows:—

For a period not exceeding six months	$\frac{1}{2}\%$
For a period exceeding six months but not exceeding twelve months	1 %
For a period exceeding twelve months but not exceeding eighteen months	— $1\frac{1}{2}\%$

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, unless claimed from the pawnbroker, be paid to the Public Trustee to whom the pawner should apply for payment of such surplus.

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, profit and insurance.

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 or a Justice of the Peace and returned to the pawnbroker not later than one month 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.

Register of Pledges for Loans above five dollars sold at Public Auction
of.....Street

No. of pledge as in pledge book	Date	Descrip- tion of articles	Amount of Loan	Profit charges	Auction- eer's charges	Insurance charges	Total cost of pledge	Amount pledge sold for as stated by Auctioneer		Difference between cost of pledge and Sale Price		Surplus paid to Public Trustee	
								Bought by		Loss	Gain	Date	Amount
								Company	Others				

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SPECIAL CONTRACT.

Special Contract No.\$.....

Pawned withpawnbroker,
 this day of
 19 ... by (name)
 of (address)for the sum
 ofdollars, 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.

The value of this pledge as agreed between the pawnbroker and the pawner is the sum ofdollars and is insured against fire and theft for that sum.

The pawnbroker is entitled to charge in addition to the foregoing charges a minimum of $\frac{1}{2}\%$ of the value of this pledge to cover insurance against loss by fire or theft, such charge to be calculated as follows:—

For any period not exceeding 6 months	$\frac{1}{2}$ 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	$1\frac{1}{2}\%$

This pledge is pawned for a period ofmonths.

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, unless claimed from the pawnbroker, be paid to the Public Trustee to whom the pawner should apply for payment of such surplus.

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, profit and insurance.

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 or Justice of the Peace and returned to the pawnbroker not later than one month 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.

REGISTER OF SPECIAL CONTRACTS

Date	Number of contract	Amount of Loan	Period	Profit charges	Date of Redemption	Profit received	Insurance charges	Agreed value of pledge	Date sold at public auction