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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.



AIDS HELPLINE: 0800-123-22 Prevention is the cure

*(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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LAWS REPEALED

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

- “**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; 5
- “**pawnbroker**” means a person who—
- (a) engages in the business of lending or advancing money on the deposit or pledge of goods; 10
 - (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; 15
- “**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; 20
- “**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; 25
- “**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; 30
- “**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; 35
- “**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; 40
- “**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; 45
- “**this Act**” includes any regulations made in terms of section 41;
- “**valuables**” means personal possessions that have a significant monetary value. 50
- (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

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REGISTRATION

Obligation to register

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