



Australian Capital Territory

# **Pawnbrokers Act 1902      No 66**

## **Republication No 3**

Republication date: 30 April 2002

Last amendment made by Act 2001 No 56

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Pawnbrokers Act 1902* as in force on 30 April 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Pawnbrokers Act 1902

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Amendments incorporated to  
12 September 2001



Australian Capital Territory

## **Pawnbrokers Act 1902**

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An Act to consolidate the enactment regulating the trade or business of pawnbrokers

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Pawnbrokers Act 1902*.

### 3 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

**article** includes every species of chattels and goods whatsoever.

**charge** means a charge that has not been dealt with by a court, but does not include a charge that has been withdrawn or otherwise not been proceeded with.

**convicted** includes being discharged under the *Crimes Act 1900*, section 402 or an equivalent provision of a law of the Commonwealth, a State, another Territory or another country, but does not include a reference to a conviction that has been set aside on appeal or review.

**court** means the Magistrates Court.

**licence** means a licence granted under this Act to carry on the trade or business of a pawnbroker.

**pawnbroker** means a person who carries on business or seeks his or her livelihood in or by advancing on interest, or for or in expectation of profit, gain, or reward, any sum of money on security, whether collateral or otherwise, of any article taken by the person by way of pawn, pledge, or security.

**registrar** means the registrar of the Magistrates Court.



**4 To whom Act not to apply**

Nothing in this Act shall be construed to apply to loans or advances made on any goods, chattels, livestock, wool, bonds, bills, title deeds, or other security by merchants, bankers, commission agents, brokers, or licensed auctioneers in the ordinary and bona fide course of mercantile or banking transactions if the interest on the loans or advances does not exceed the rate of 14% per annum.

## Part 2 Licences

### 5 Pawnbrokers to be licensed

A person who is not licensed shall not carry on the trade or business of a pawnbroker.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### 6 Applications for licences

- (1) An individual who is 18 years or older may apply to the Magistrates Court for a licence.
- (2) The applicant must give the court—
  - (a) the application and a copy of the application; and
  - (b) if the applicant is not the holder of a licence—references from 3 qualified people about the applicant's character and suitability to hold a licence.

*Note 1* A fee may be determined under the *Magistrates Court Act 1930*, s 248A (Determination of fees) for an application.

*Note 2* If a form is approved under s 47 (Approved forms) for an application, the form must be used.

- (3) In this section:

*elector*—see the *Electoral Act 1992*.

*qualified person* means—

- (a) an elector who is a person referred to in the *Statutory Declarations Regulations* (Cwlth), schedule; or
- (b) another person approved by the Magistrates Court.

**6A Licences**

- (1) On lodgment of the documents referred to in section 6 (1), the registrar shall—
  - (a) appoint a date for the hearing of the application by the Magistrates Court, being a date not earlier than 21 days after the day the application is lodged; and
  - (b) endorse on the copy of the application a notice stating the date so fixed; and
  - (c) return the copy to the applicant.
- (2) The applicant shall, within 24 hours after receiving the copy of the application under subsection (1) (c), lodge it with the chief police officer.

**7 Certificates of convictions**

- (1) The chief police officer shall, not later than 5 days before the date appointed for the hearing of an application for a licence, give to the registrar for the use of the Magistrates Court a certificate stating whether, according to the records held by the chief police officer, it appears that the applicant has been charged with, or convicted of, any offence against a law of the Territory, the Commonwealth, a State, another Territory or another country.
- (2) The applicant is entitled to inspect a certificate under subsection (1).

**7A Objections to granting of licences**

- (1) Subject to subsection (2), the chief police officer may, on the hearing of an application for a licence, object to the granting of the licence on the ground that the applicant is not a fit and proper person to be the holder of a licence.
- (2) The chief police officer is not entitled to object to the granting of a licence unless, not later than 7 days before the date appointed for the hearing of the application for the licence, he or she—

- (a) lodges with the registrar a notice of objection setting out particulars of the ground of objection; and
- (b) serves a copy of the notice on the applicant.

## 8 Grant of licences

- (1) If, on the hearing of an application for a licence, the applicant satisfies the Magistrates Court that he or she is a fit and proper person to be the holder of a licence, the court may direct the registrar to issue a licence to the applicant.

*Note* If a form is approved under s 47 (Approved forms) for a licence, the form must be used.

- (2) For the purpose of determining whether an applicant for a licence is a fit and proper person to hold the licence, the Magistrates Court may have regard to whether he or she—
  - (a) has been convicted of, or is subject to, a charge in relation to an offence—
    - (i) that involves fraud or dishonesty; or
    - (ii) against this Act or a corresponding law; or
  - (b) has been refused a licence under this Act or a corresponding law.
- (3) The Magistrates Court may, on the hearing of an application for a licence, request the chief police officer to make the further inquiries the court considers appropriate, and may adjourn the hearing to enable the chief police officer to make the inquiries and give the report.
- (4) If the granting of a licence to an applicant who is already the holder of a licence is not objected to, the application may be determined in chambers.

(5) In this section:

*corresponding law* means a law of a State, another Territory or another country that deals with the licensing or conduct of pawnbrokers.

**8A Duration of licences**

Subject to this Act, a licence is in force for 1 year from the day it is issued.

**8B Record of licences to be kept**

The registrar shall keep a record of all licences granted by the Magistrates Court.

**9 Separate licence for each shop**

No pawnbroker holding a licence shall, because of a licence, keep more than 1 house, shop, or other place for taking in goods or chattels to pawn, but, for each and every house, shop, or other place where any person keeps for those purposes, a separate and distinct licence shall be taken out and paid for.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**10 Partner's licence**

Persons in partnership and carrying on the trade or business of a pawnbroker in 1 house, shop, or tenement only shall not be obliged to take out more than 1 licence in any 1 year for carrying on the trade or business.

## Part 3 Business of pawnbroking

### 11 Pawnbroker's name on premises

- (1) Every person who holds a licence shall not, without reasonable excuse, fail to have his or her full name displayed, in legible characters at least 5cm deep, with the words 'licensed pawnbroker' constantly and permanently remaining and plainly to be seen and read over the door of each shop or other place kept, or made use of, by that person for carrying on the trade or business of a pawnbroker.

Maximum penalty: 5 penalty units.

### 12 Production of licence

A licensed pawnbroker shall not, without reasonable excuse, fail to produce his or her licence on the premises specified in the licence on demand made by a police officer.

Maximum penalty: 5 penalty units.

### 13 Book entries on taking pledges

- (1) Every licensed pawnbroker taking in pawn any article on which any money is to be lent shall, before advancing any money, enter in a fair and legible way in some book kept for that purpose—
- (a) a fair and reasonable description of the article; and
  - (b) the sum of money in the whole advanced, with the rate of interest to be charged by the week or month; and
  - (c) the true date when the article is pawned; and
  - (d) the name of the party by or for whom the article is pawned, and his or her place of residence, according to the statement of the person pawning, into which lastmentioned circumstances the pawnbroker shall inquire of the person pawning before any money is lent or advanced by him or her; and

- (e) if a longer time for redemption than 3 months is agreed on—the time so agreed on.
- (2) Every entry shall be numbered consecutively throughout the year, the first pledge received by any pawnbroker on or after 1 January in each year being numbered 1, the second 2, and so on progressively throughout the year.
- (3) A person who, without reasonable excuse, contravenes this section commits an offence.

Maximum penalty: 20 penalty units.

#### **14 Duplicates of entry to be given**

- (1) Every licensed pawnbroker, at the time of taking any article in pawn, shall give to the person pawning the article a duplicate of every entry fairly and legibly written, or partly written and partly printed, with the signature of the pawnbroker, containing every particular inserted in the original entry, and corresponding in number.

Maximum penalty: 5 penalty units.

- (3) No pawnbroker shall receive or keep any pledge unless the duplicate is accepted, at the time, by the party pawning, and every duplicate shall be delivered gratis, and shall be produced to the pawnbroker before he or she shall be obliged to redeliver the articles mentioned or any of them.

Maximum penalty: 5 penalty units.

#### **15 Duplicates lost or stolen**

If—

- (a) any pawnbroker's duplicate is lost or mislaid by, or fraudulently taken or obtained from, the owner; and
- (b) the articles mentioned remain unredeemed; and
- (c) the person representing himself or herself to be the owner produces and leaves with the pawnbroker who gave the

duplicate a written declaration in accordance with the form in the *Statutory Declarations Act 1959* (Cwlth), schedule, duly made as required by that Act, and setting out the circumstances of the loss or otherwise satisfactorily accounting for the nonproduction of the duplicate;

the pawnbroker shall, at the request of the person, deliver to him or her a copy of the duplicate.

Maximum penalty: 5 penalty units.

## **16 Holders of duplicates deemed owners of goods pawned**

- (1) Every person who, at any time, produces any such duplicate to the pawnbroker who gave the duplicate, and requires delivery of the articles specified, claiming to be the owner or representing himself or herself to be authorised by the owner, shall be deemed to be the owner or to be so authorised, and shall be entitled to redeem the articles accordingly unless—
  - (a) the pawnbroker has notice from the real owner that the duplicate was lost by him or her or was fraudulently taken or obtained from him or her; or
  - (b) the pawnbroker has been informed by some credible person that the articles were stolen.
- (2) If the pawnbroker refuses to deliver the articles to the party producing the duplicate, the pawnbroker shall not, without reasonable excuse, fail to immediately give information of the refusal and of the particular grounds to a police officer, together with a description of the party, or, if known to the pawnbroker, the party's name and place of residence.

Maximum penalty (subsection (2)): 5 penalty units.

## **17 Period for sale of pledges**

- (1) Unless a longer time is expressly agreed on, the period during which any article taken in pawn may be redeemed shall be 3 months, at the



end of which period, or at the end of any longer period as has been agreed on, the article shall be deemed forfeited, and may be sold.

- (2) Any agreement for the forfeiture of any article before the end of 3 months shall be wholly void.

### **18 Selling before end of redemption period**

- (1) A pawnbroker shall not, before the end of the relevant period, sell or dispose of, or cause or knowingly suffer to be sold or disposed of, an article that has been pawned.

Maximum penalty: 50 penalty units.

- (2) In this section:

*relevant period* means the period during which an article taken in pawn may be redeemed under section 17.

### **19 Method of sale**

- (1) All articles forfeited on which in the whole more than \$500 has been lent, shall be sold by public auction, and not otherwise.
- (2) A notice of every such sale, containing a catalogue of all the articles and the time when the articles were respectively taken in pawn, shall be twice inserted in some public newspaper, published in the ACT, 4 days at the least before the proposed day of sale.
- (3) Any pawnbroker who offends against the provisions of this section shall forfeit to the owner of any article sold contrary to the provisions a sum not exceeding 5 penalty units.

### **20 Pawnbroker not to purchase**

No purchase or pretended purchase by any pawnbroker or person on his or her behalf of any article pawned with him or her shall in any case be valid against the owner in any case.

**21 Application of proceeds of sale**

- (1) If—
- (a) an article that has been pawned is sold; and
  - (b) a surplus results from the sale; and
  - (c) the person by or for whom the article was pawned claims the surplus within 12 months of the sale;

the pawnbroker shall not, without reasonable excuse, fail to pay to that person within 2 days of his or her claim, the surplus less any necessary charges relating to the sale.

Maximum penalty: 50 penalty units.

- (2) In this section:

*surplus* means the amount by which the price paid for the article exceeds the sum of—

- (a) the amount of money advanced by the pawnbroker on the security of the article; and
- (b) any interest due at the time of the sale in relation to that advance.

**22 Entries of articles sold**

- (1) Every pawnbroker shall, from time to time, enter in a book to be kept by him or her for that purpose an account of the sale of every article that was pawned, and is sold or otherwise disposed of by him or her, specifying the date when the article was pledged and the number of the entry then made, and the name of the person who pledged the article and the day when and the amount for which the article was sold.

Maximum penalty: 20 penalty units.

- (2) A pawnbroker shall not knowingly or recklessly make a false entry in a book kept under subsection (1).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### **23 Pawner may inspect entries**

If—

- (a) an article that has been pawned is sold or otherwise disposed of; and
- (b) the person by or for whom the article was pawned produces the duplicate in relation to the article; and
- (c) that person requests inspection of the entry of sale of the article;

the pawnbroker or his or her employee shall not, without reasonable excuse, fail to—

- (d) produce the book or document containing the entry; or
- (e) permit the person to inspect the entry.

Maximum penalty: 5 penalty units.

### **24 Children and intoxicated persons**

A person who is a licensed pawnbroker or his or her agent or employee shall not purchase, receive or take in pawn an article from a person who is or is reasonably believed by the pawnbroker, agent or employee to be—

- (a) under 14 years old; or
- (b) intoxicated with liquor.

Maximum penalty: 30 penalty units.

**29 Persons attempting to redeem article when not entitled to do so may be apprehended**

If any person not entitled nor having any colour of title by law to redeem any article in pledge or pawn attempts or endeavours to redeem the article, the pawnbroker with whom the article is in pledge, or the servant or agent of the pawnbroker, may seize and detain the person and deliver him or her immediately to the custody of a police officer to be dealt with according to law.

## **Part 4**

# **Miscellaneous and legal procedure**

### **31 Record evidence**

- (1) In any proceedings before the Magistrates Court against any person alleged to be a licensed pawnbroker and liable as such to any such proceeding, the production of the alphabetical record shall be evidence both of the personal identity of the person named and that the person is a licensed pawnbroker under this Act.
- (2) Any other proof as to the fact of any person holding a licence may be admitted before the Magistrates Court as it, in its discretion, considers appropriate.

### **32 Evidentiary certificates**

- (1) The registrar may issue a certificate stating whether a specified person was or was not on a specified date or during a specified period the holder of a licence.
- (2) A certificate issued under subsection (1) is evidence of the facts stated in the certificate.

### **33 Advertisements**

An unlicensed person shall not display any sign on or near premises that he or she occupies that states or gives reasonable cause to believe that those premises are being used to carry on the trade or business of a pawnbroker.

Maximum penalty: 30 penalty units.

**34 Lending licences**

- (1) A licensed pawnbroker shall not lend his or her licence to a person for the purpose of enabling that person to carry on business as a pawnbroker.

Maximum penalty: 30 penalty units.

- (2) If any person is convicted of an offence against subsection (1), the Magistrates Court may declare his or her licence void, and the licence shall become void.
- (3) No licence shall be granted to the person for 2 years from the date of the conviction.

**35 Forged or altered licences**

A person shall not—

- (a) forge or alter a licence; or
- (b) cause a licence to be forged or altered; or
- (c) produce a licence that is forged or has been altered to a person entitled to demand production of that licence.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**36 Forging etc duplicates**

A person commits an offence if the person—

- (a) forges or alters, or causes to be forged or altered, or knowingly assists in forging or altering any pawnbroker's duplicate, or utters, sells, disposes of, or puts off a duplicate so forged or altered, knowing the duplicate to be so forged or altered, with intent to defraud anyone; or

- (b) steals or unlawfully takes a pawnbroker's duplicate with a fraudulent intent, to deprive the owner of the duplicate, or of any article.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### **37 Pawnbroker to produce books etc**

- (1) If, in the course of any proceedings before a court, whether under this Act or otherwise, it appears to the court to be material or proper to require the production before it of any book, note, voucher, entry, memorandum, licence, or other paper required by this Act to be kept by, or that ought to be in the custody of, any pawnbroker, the court may summon the pawnbroker to attend before it and produce it, and the pawnbroker is required to produce every such book, duplicate, note, voucher, entry, memorandum, licence, or other paper before the court accordingly.
- (2) A pawnbroker shall not, without reasonable excuse—
- (a) fail to attend on a summons under subsection (1);
  - (b) fail to produce a book, duplicate or entry referred to in the summons; or
  - (c) produce a book, duplicate or entry so referred to that has been altered.

Maximum penalty (subsection (2)): 50 penalty units, imprisonment for 6 months or both.

### **39 Magistrates Court may order delivery of goods pawned on payment of compensation or otherwise**

- (1) The Magistrates Court may order any article unlawfully pawned, pledged or exchanged that is brought before it, and the ownership of which is established to the satisfaction of the court, to be delivered up to the owner by the person with whom they were so unlawfully pawned, pledged or exchanged either without compensation or with

compensation to the party in question as the court considers appropriate.

#### **46 General issue**

If any person is sued for any matter or thing done by him or her in the execution of this Act, he or she may plead the general issue and give the special matter in evidence.

#### **47 Approved forms**

- (1) The Minister may, in writing, approve forms for this Act.
- (2) If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.
- (3) An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (4) A form in schedules 1 and 2 immediately before the commencement of this section is, after the commencement, taken to be an approved form.
- (5) However, the form need not be notified under the *Legislation Act 2001*.
- (6) Subsections (4) and (5) are laws to which the *Legislation Act 2001*, section 88 (Repeal does not end transitional or validating effect etc) applies.
- (7) Subsections (4) to (6) and this subsection expire on 12 September 2002.



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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a NSW Act—the *Pawnbrokers Act 1902* No 66 (NSW).

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former NSW laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967*, s 65 (now expired) all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

#### NSW legislation

##### **Pawnbrokers Act 1902 No 66**

assented to 4 September 1902  
commenced 4 September 1902

#### Commonwealth legislation

as amended by

##### **Magistrates Court Ordinance 1985 No 67**

notified 19 December 1985 (Cwlth Gaz 1985)  
commenced 1 February 1986 (Cwlth Gaz 1986 No G3)

##### **New South Wales Acts Act 1986 No 91**

notified 12 January 1987 (Cwlth Gaz 1987)  
commenced 12 January 1987

#### Legislation after becoming Territory enactment

##### **Pawnbrokers (Amendment) Act 1990 No 33**

notified 30 Oct 1990 (Gaz 1990 No S72)  
ss 1-3 commenced 30 Oct 1990 (s 2 (1))  
remainder commenced 1 Dec 1990 (s 2 (2) and Gaz 1990 No 46)

**Magistrates and Coroner's Courts (Registrar) Act 1991 No 44 s 9**

notified 20 Sept 1991 (Gaz 1991 No S95)  
 s 1, s 2 commenced 20 Sept 1991 (s 2 (1))  
 s 9 commenced 25 Sept 1991 (s 2 (2) and Gaz 1991 No S103)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 Nov 1994 (Gaz 1994 No S253)  
 s 1, s 2 commenced 29 Nov 1994 (s 2 (1))  
 sch commenced 29 Nov 1994 (s 2 (2) and Gaz 1994 No S269)

**Pawnbrokers (Amendment) Act 1995 No 15**

notified 30 June 1995 (Gaz 1995 No S135)  
 commenced 30 June 1995 (s 2)

**Law Reform (Miscellaneous Provisions) Act 1999 No 66**

notified 10 Nov 1999 (Gaz 1999 No 45)  
 commenced 10 Nov 1999 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 276**

notified 26 July 2001 (Gaz 2001 No 30)  
 s 1, s 2 commenced 26 July 2001 (IA s 10B)  
 pt 276 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

**Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.39**

notified 5 September 2001 (Gaz 2001 No S65)  
 commenced 5 September 2001 (s 2 (1))

**4 Amendment history**

The *New South Wales Acts Act 1986* (previously the *New South Wales Acts Ordinance 1986*), sch 2, pt 2 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. This endnote, therefore, only details amendments made after that date.

**Name of Act**

s 1 sub 2001 No 56 amdt 3.450

**Definitions for Act**

s 3 def of **charge** am 1995 No 15 s 4  
 def of **convicted** am 1995 No 15 s 4  
 def of **court** am 1995 No 15 s 4  
 def of **registrar** am 1995 No 15 s 4

**Pawnbrokers to be licensed**

s 5 sub 1990 No 33 s 4  
 am 1994 No 81 sch

## Endnotes

### 4 Amendment history

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#### **Applications for licences**

s 6 am 1991 No 44 s 9  
sub 1995 No 15 s 5  
am 2001 No 44 amdt 1.3099, amdt 1.3100

#### **Licences**

s 6A ins 1995 No 15 s 5  
am 2001 No 56 amdt 3.451

#### **Certificates of convictions**

s 7 sub 1995 No 15 s 5  
am 2001 No 56 amdt 3.452

#### **Objections to granting of licences**

s 7A sub 1995 No 15 s 5  
sub 2001 No 56 amdt 3.453

#### **Grant of licences**

s 8 am 1991 No 44 s 9  
sub 1995 No 15 s 5  
am 2001 No 44 amdt 1.3101, amdt 1.3102; 2001 No 56 amdt  
3.454, amdt 3.455

#### **Duration of licences**

s 8A ins 1995 No 15 s 5

#### **Record of licences to be kept**

s 8B ins 1995 No 15 s 5

#### **Separate licence for each shop**

s 9 am 1990 No 33 s 5; 1994 No 81 sch

#### **Pawnbroker's name on premises**

s 11 am 1990 No 33 s 6; 1994 No 81 sch

#### **Production of licence**

s 12 sub 1990 No 33 s 7  
am 1994 No 81 sch

#### **Book entries on taking pledges**

s 13 am 1990 No 33 s 8, sch; 1994 No 81 sch; 2001 No 56 amdt  
3.456

#### **Duplicates of entry to be given**

s 14 am 1990 No 33 s 9, sch; 1994 No 81 sch; 2001 No 56  
amdt 3.457

#### **Duplicates lost or stolen**

s 15 am 1990 No 33 s 10, sch; 1994 No 81 sch

#### **Holders of duplicates deemed owners of goods pawned**

s 16 am 1990 No 33 s 11, sch; 1994 No 81 sch; 2001 No 56  
amdt 3.458, amdt 3.459

**Selling before end of redemption period**

s 18 sub 1990 No 33 s 12  
am 1994 No 81 sch

**Method of sale**

s 19 am 1990 No 33 s 13; 1994 No 81 sch; 1999 No 66 s 6 sch 3

**Pawnbroker not to purchase**

s 20 am 1990 No 33 sch

**Application of proceeds of sale**

s 21 sub 1990 No 33 s 14, sch  
am 1994 No 81 sch

**Entries of articles sold**

s 22 am 1990 No 33 s 15, sch; 1994 No 81 sch

**Pawner may inspect entries**

s 23 sub 1990 No 33 s 16  
am 1994 No 81 sch

**Children and intoxicated persons**

s 24 sub 1990 No 33 s 16  
am 1994 No 81 sch

**Pawnbroker not to advance, etc anything but money**

s 25 om 1990 No 33 s 17

**Days and hours when business may be carried on**

s 26 am 1990 No 33 s 18, sch; 1994 No 81 sch  
om R2 LRA

**Persons attempting to redeem article when not entitled to do so may be apprehended**

s 29 am 1990 No 33 sch; 2001 No 56 amdt 3.460

**Record evidence**

s 31 am 1995 No 15 s 6

**Evidentiary certificates**

s 32 sub 1990 No 33 s 19  
am 1991 No 44 s 9; 1995 No 15 s 6

**Advertisements**

s 33 sub 1990 No 33 s 19  
am 1994 No 81 sch

**Lending licences**

s 34 am 1990 No 33 s 20, sch; 1994 No 81 sch; 1995 No 15 s 6

**Forged or altered licences**

s 35 sub 1990 No 33 s 21  
am 1994 No 81 sch

## Endnotes

### 5 Earlier republications

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#### **Forging etc duplicates**

s 36 am 1990 No 33 s 22; 1994 No 81 sch; 2001 No 56 amdt 3.461, amdt 3.462

#### **Pawnbroker to produce books etc**

s 37 am 1990 No 33 s 23; 1994 No 81 sch; 2001 No 56 amdt 3.463

#### **Court may order delivery of goods pawned on payment of compensation or otherwise**

s 39 am 1995 No 15 s 6

#### **Penalties**

s 40 om 1990 No 33 s 24

#### **General issues**

s 46 am 1990 No 33 sch

#### **Approved forms**

s 47 ins 2001 No 44 amdt 1.3103  
ss (4)-(7) exp 12 September 2002 (s 47 (7))

sch hdg om 1995 No 15 s 7

sch 1 (prev first schedule) sub 1995 No 15 sch  
om 2001 No 44 amdt 3.104

sch 2 hdg sub 1995 No 15 s 7  
sch 2 (prev second schedule) am 1990 No 33 sch; 1991 No 44 s 9  
om 2001 No 44 amdt 3.104

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

<b>Republication No</b>	<b>Amendments to</b>	<b>Republication date</b>
1	Act 1991 No 44	31 August 1992
2	Act 1995 No 15	31 January 1998

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