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PART IV (A) — PROVINCIAL COUNCILS

Provincial Councils Notifications

WESTERN PROVINCE PROVINCIAL COUNCIL

Pawn Brokers Amendment Statute No. 5 of 2006

NOTIFICATION

I, Reginold Cooray, Chief Minister and Minister of Finance, Planning, Law and Order, Local Government, Provincial Administration, Education and Transport, Employment, Cultural and Art Affairs, Western Province, declare that Pawn Brokers Amendment Statute No. 5 of 2006 Western Province Provincial Council is effective from 14th February, 2007 as ordered by the Honourable Governor of Western Province.

REGINOLD COORAY,

Chief Minister and Minister of Finance, Planning, Law and Order,
Local Government, Provincial Administration, Education and Transport,
Employment, Cultural and Art Affairs, Western Province.

Colombo,
20th March, 2007.

A STATUTE TO AMEND THE PAWN BROKERS' STATUTE NO. 3 OF 2001 OF THE PROVINCIAL
COUNCIL OF WESTERN PROVINCE

Be it enacted by the Provincial Council of Western Province.

1. This Statute may be cited as the Pawn Brokers' (Amendment) Statute No. 5 of 2006.

2. Section 3 of the Pawn Brokers' Statute, No. 3 of 2001 of the Provincial Council of Western Province which is herein after referred to as the Principle Statute, is hereby amended by the repeal of Sub-section (1) thereof and by the substitution thereof of the following Sub-section : -

"(1) No person shall carry on the business of a Pawn Broker unless he is a holder of a license issued in respect of every such shop or branch thereof and issued separately for each such shop or branch, by the Chief Secretary".

3. Section 6 of the Principle Statute is hereby Amended as follows : -

Short Title.

Amendment of
Section 3 of
Pawn Brokers'
Statute No. 3 of
2001.

Amendment of
Section 6 of the
Principle Statute.
I A

- (1) by the substitution of the words "whenever any pawn broker is carrying on the business of a pawn broker in a number of shops or branches more than one ; such pawn broker shall make separate applications in behalf of each such shop or branch to the Chief Secretary of the Province, immediately after the words, "shall make application to the Chief Secretary" in the sub-section (1) of that section.
 - (2) by the insertion of the word "original" in between the words "Every application" in sub-section (2) of that section.
 - (3) by the insertion of the following new sub-section immediately after the sub-section (3) in that section : -

"(4) In the even an annual license is issued to a pawn broker who had been carrying on a business of a pawn broker without renewing the annual license on the due date, the license fee for every year the business was carried on without a license and a delayed fee at the rate of 10% the annual license fee for every month the business was carried on without a license shall be chargeable."
- Amendment of Section 7 of the Principle Statute. 4. Section 7 of the Principle Statute is hereby amended by the repeal of words "No person shall be entitled to a license for carrying on a business of a Pawn Broker" thereof and substitution, therefore of the following words "No license for the purpose of carrying on a pawn brokers' business shall be issued and further he/she shall not be entitle to obtain such license."
- Amendment of Section 9 of the Principle Statute. 5. Section 9 of the Principle Statute is hereby amended by the substitution of the words "if there is a person who has been convicted of any offence committed under this statute as per section 44 (1) and whose name is *Gazetted*" in sub-section (c) of the section for the words "who has been convicted of every offence under this statute as per section 45 (2)", thereof.
- Amendment of Section 11 of the Principle Statute. 6. Section 11 of the Principle Statute is hereby amended by the repeal of the words "unless he furnishes security in cash in Rs. 100,000 therein and by the substitution therefore of the words," unless he produces security in cash in Rs. 100,000 in a bank that may be directed by the Chief Secretary".
- Amendment of Section 19 of the Principle Statute. 7. Section 19 of the Principle Statute is hereby amended by the substitution for the words "Third Schedule" of the words "Second Schedule".
- Amendment of Section 20 of the Principle Statute. 8. Section 20 of the Principle Statute is hereby amended by the substitution for the words "twelve months" of the words "twenty four months".
- Amendment of Section 38 of the Principle Statute. 9. Section 38 of the Principle Statute is hereby amended by the substitution for the words "authorized in writing in that behalf by the Chief Secretary" of the words "authorized in writing in that behalf by the Chief Secretary or the Licensing Officer".
- Amendment of Section 40 of the Principle Statute. 10. Section 40 of the Principle Statute is hereby amended by the repeal of the paragraph (m) thereof and by the substitution therefore of the following paragraph :

"(m) conducts a license business of a Pawn Broker without obtaining a proper from or without the annual license being not renewed by the Chief Secretary".
- Replacement of Section 44 of the Principle Statute. 11. Section 44 of the Principle Statute is hereby repealed and the following section substituted therefore :

"Penalty 44. (1) Every person who is convicted of an offence under this statute after summary trial before a Magistrate shall be liable to a fine not exceeding ten thousand rupees or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Court shall order in addition to the penalties set out in section 44 (1) to a pawn broker who has carried on the business of a pawn broker without getting his annual license renewed, to recover as a fine, the outstanding annual license fees and a sum equivalent to 10% of the 'outstanding annual license fees. All sums recovered by court under this sub-section shall be credited to the Provincial Council fund.

12. Section 45 of the Principle Statute is hereby amended as sub-section "45 (1)". Thereafter, the following new Sub-section is inserted and shall have effect as Sub-section "45 (2)".

Amendment of Section 45 of the Principle Statute.

"(2) The name, personal address, the name of the business and the address of the business place of every person who is convicted under the above sub-section 45 (1) shall be *Gazetted* in the Government *Gazette* by the Chief Secretary".

13. The sub-section (a) of the section 46 of the Principle Statute is hereby deleted.

Deletion of Section 46(a) of the Principle Statute.

14. Section 47 of the Principle Statute is hereby amended as sub-section "47 (1)". Thereafter, the following new sub-section is inserted and shall have effect as sub-section "47 (2)".

Amendment of Section 47 of the Principle Statute.

"(2) Every pawn broker shall submit an annual statement of accounts in respect of his business before the 31st of March of the following year to the Chief Secretary. Failure to submit the annual statement of account on the due date shall constitute an offence".

15. Section 54 of the Principle Statute is hereby amended as follows : -

Amendment of Section 54 of the Principle Statute.

(1) by the insertion immediately before the definition of the expression "Minister", of the following definition : -

"Licensing Officer" means the Chief Secretary or a Divisional Secretary or other officer authorized by the Chief Secretary ;

(2) by the insertion immediately before the definition of the expression "Provincial Council", of the following definition : -

(3) "Police Officer" means a member of the Police in uniform ; and

(4) by the repeal of the definition of the expression "shop" and the substitution thereof of the following definition : -

"shop" means a dwelling house, ware house, place of business, company, partnership, joint venture and any place where business is transacted and each place wherein branches are conducted in and such places.

16. Form A of the First Schedule to the Principle Statute is hereby repealed and the following Form substituted therefor : -

Replacement of Form A of the First Schedule to the Principle Statute.

"First Schedule

Form A

License

I, Divisional Secretary of by virtue of the powers vested in me by the Chief Secretary of the Western Province in terms of Section 51 of the Pawn Brokers Statute No. 3 of 2001 of the Provincial Council of the Western Province, do hereby authorize and grant License to of to carry on the business of pawn broker in the name of at under the provisions of the pawn brokers Statute No. 3 of 2001 of the Western Province.

This License expires on 31st December

.....
Office of the Divisional Secretary."

17. In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.