

Unvalidated References:

Second-hand Dealers Act 1968

Public Health Act 1973

Public Health Act 1973

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

Chapter 322.

Second-hand Dealers Regulation 1969

ARRANGEMENT OF SECTIONS.

PART I – PRELIMINARY.

1. Interpretation.
“Health Inspector”
“licensed premises”
“premises”

PART II – GENERAL PROVISIONS.

2. Record of licences.
3. Register of Second-hand Articles.
4. Forms for licences, etc.
5. Powers of Health Inspectors, etc.
6. Premises to be kept clean.
7. Fees.

PART III – PROVISIONS RELATING TO SECOND-HAND CLOTHING ONLY.

8. Entries in Register of second-hand clothing in lots.
9. Second-hand clothing not to be stored, etc., with food.
10. Second-hand clothing to be clean.
11. Second-hand clothing exposed to infection not to be sold, etc.

SCHEDULE 1

SCHEDULE 2 – FEES.

Second-hand Dealers Regulation 1969

MADE under the *Second-hand Dealers Act 1968*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“**Health Inspector**” means an inspector appointed under the *Public Health Act 1973*;

“**licensed premises**” means premises the subject of a licence under the Act;

“**premises**” includes any building or part of a building, store, room, stall, structure or area used by a licensee for the purposes of his business as a second-hand dealer.

PART II. – GENERAL PROVISIONS.

2. RECORD OF LICENCES.

For the purposes of Section 9 of the Act, the alphabetical record of licences–

- (a) for second-hand dealers (other than dealers in second-hand clothing)– shall be in Form 1; and
- (b) for licences for dealers in second-hand clothing–shall be in Form 2.

3. REGISTER OF SECOND-HAND ARTICLES.

(1) For the purposes of Section 11 of the Act the Register of Second-hand Articles (other than clothing) shall be in Form 3 and for second-hand articles of clothing shall be in Form 4 and shall contain–

- (a) the particulars set out in the Register; and
- (b) a proper and distinctive description of–
 - (i) each article purchased or received by the second-hand dealer; and
 - (ii) the articles (if any) exchanged or agreed to be exchanged for the article.

(2) An entry in the Registers of Second-hand Articles shall be made at the time when the transaction to which it relates takes place.

(3) The person from whom the article is purchased or received and the licensee shall each sign his name in the Register of Second-hand Articles in the space provided for the purpose.

(4) Where second-hand articles are purchased by a licensee at auction, the insertion in the Register of Second-hand Articles of a receipt from the auctioneer for the price paid for the articles, containing a description of the articles and signed by the auctioneer, shall be deemed to be a sufficient entry for the purposes of this section.

4. FORMS FOR LICENCES, ETC.

(1) An application for a licence to carry on business as a second-hand dealer shall be in Form 5.

(2) A licence to carry on business as a second-hand dealer shall be in Form 6.

5. POWERS OF HEALTH INSPECTORS, ETC.

(1) A Health Inspector or a member of the Police Force may–

- (a) enter any licensed premises at any time during business hours; and
- (b) inspect the premises; and

- (c) inspect any second-hand articles purchased, stored, sold or offered or exposed for sale or exchange on or in the premises.
- (2) A person who, without lawful excuse (proof of which is on him)–
 - (a) refuses to permit a Health Inspector or member of the Police Force to enter or inspect premises under this section; or
 - (b) directly or indirectly obstructs or hinders a Health Inspector or member of the Police Force from entering or inspecting premises in accordance with this section; or
 - (c) refuses or fails to comply with an order of a Health Inspector or member of the Police Force given under this section,

is guilty of an offence.

Penalty: A fine not exceeding K50.00.

6. PREMISES TO BE KEPT CLEAN.

Premises must be–

- (a) maintained in a clean condition; and
- (b) free from rats, cockroaches and other vermin.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00

7. FEES.

The fees to be charged for an application, licence, or other thing provided for or required under the Act are the fees prescribed in Schedule 2.

PART III. – PROVISIONS RELATING TO SECOND-HAND CLOTHING ONLY.

8. ENTRIES IN REGISTER OF SECOND-HAND CLOTHING IN LOTS.

Where, on any particular occasion, any articles of second-hand clothing of the same kind and description are purchased, exchanged or received in a lot or parcel, it is sufficient compliance with Section 3 if the entry in the Register of Second-hand Articles relating to the purchase, exchange or receipt describes each lot or parcel without describing each of the articles comprising the lot or parcel.

9. SECOND-HAND CLOTHING NOT TO BE STORED, ETC., WITH FOOD.

Articles of second-hand clothing must not be stored, sold or offered or exposed for sale or exchange in premises where food of any description is prepared, manufactured, handled, sold or offered or exposed for sale, unless the food is contained in hermetically sealed containers.

Penalty: A fine not exceeding K50.00.

Default penalty: A fine not exceeding K10.00.

10. SECOND-HAND CLOTHING TO BE CLEAN.

Articles of second-hand clothing must—

- (a) be washed or dry-cleaned before being sold or exchanged; and
- (b) not be sold or exchanged in an unclean condition.

Penalty: A fine not exceeding K10.00.

11. SECOND-HAND CLOTHING EXPOSED TO INFECTION NOT TO BE SOLD, ETC.

(1) In this section, “infectious disease” means an infectious disease within the meaning of the *Public Health Act 1973*, and this section is supplementary to, and not in derogation of, any law relating to infectious diseases.

(2) A person who stores, sells or offers or exposes for sale or exchange any article of second-hand clothing which has been exposed to infection from a person suffering from an infectious disease, unless it has been disinfected, is guilty of an offence.

(3) A person suffering from an infectious disease who enters on licensed premises or handles any clothing offered or exposed for sale or exchange by a licensee, within licensed premises or elsewhere, is guilty of an offence.

Penalty: A fine not exceeding K50.00.

SCHEDULE 1

PAPUA NEW GUINEA.

Second-hand Dealers Act 1968.

Form 1 – RECORD OF LICENCES.

Reg., Sec. 2. Form 1.

Commissioner of Police—Licensing Authority.

Name of Licensee. Address of Licensee. Address where Business Carried on.

PAPUA NEW GUINEA.

Second-hand Dealers Act 1968.

Form 2 – RECORD OF LICENCES (SECOND-HAND CLOTHING).

Reg., Sec. 2. Form 2.

Department of Public Health—Licensing Authority.

Name of Licensee. Address of Licensee. Address where Business Carried on.

PAPUA NEW GUINEA.

Second-hand Dealers Act 1968.

Form 3 – REGISTER OF SECOND-HAND ARTICLES (OTHER THAN CLOTHING).

Reg., Sec. 3. Form 3.

Date

Name of *Vendor (or Transferor)

Address of *Vendor (or Transferor)

Description of Article

Nature of Article(s) exchanged for Article(s) purchased (if any)

Price paid

Signature of *Vendor (or Transferor)

Signature of *Licensee (or his duly appointed Agent)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Second-hand Dealers Act 1968.

Form 4 – REGISTER OF SECOND-HAND ARTICLES OF CLOTHING.

Reg., Sec. 3. Form 4.

Date

Name of *Vendor (or Transferor)

Address of *Vendor (or Transferor)

Description of Article (or Articles in lot or parcel)

Nature of Article(s) exchanged for Article(s) purchased (if any)

Price Paid

Signature of *Vendor (or Transferor)

Signature of *Licensee (or his duly appointed Agent)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Second-hand Dealers Act 1968.

Form 5 – APPLICATION FOR LICENCE AS SECOND-HAND DEALER.

Reg., Sec. 4(1). Form 5.

*I . . . of

or

*I . . . (*Secretary or other responsible officer*) of (*name of organization, etc., for which application is made*)

of

apply for a licence as a second-hand dealer, in respect of my business (*or the business of (name of organization, etc., for which application is made)*)

as a second-hand dealer for premises situated at

comprising

a plan of which premises is attached.

Nature of licence applied for (*insert whether licence for second-hand dealer in clothing or otherwise.*)

I agree to abide by the provisions of the *Second-hand Dealers Act*.

The prescribed fee of K . . . for a Second-hand Dealer's Licence is tendered.

Dated . . . 20..

(*Signature of applicant.*)

*Strike out whichever is inapplicable.

PAPUA NEW GUINEA.

Second-hand Dealers Act 1968.

Form 6 – SECOND-HAND DEALER’S LICENCE.

Reg., Sec. 4(2).

Form 6.

This is to certify that

of

has this day been granted a Second-hand Dealer's Licence to trade as a second-hand dealer at premises situated at . . . as described in the plan attached to the application for a licence as a second-hand dealer.

This Licence expires on 31 December 20...

Dated . . . 20...

*Licensing Authority (or Delegate of Licensing Authority).

*Strike out whichever is inapplicable.

SCHEDULE 2 – Reg., Sec. 7.
FEES.

For the issue or renewal of a licence to carry on business as second-hand dealer.
K50.00.

Second-hand Dealers Regulation 1969