

# CHAPTER 04 - OLD METAL DEALERS LAW

## ARRANGEMENT OF SECTIONS

### SECTION

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### FIRST SCHEDULE

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## OLD METAL DEALERS LAW

**A Law to regulate the business of dealers in old metal.**

[NN 1963, Cap. 86. KWS No. 10 of 1991, No. 4 of 2006.]

[Date of commencement: *1 st August*, 1961]

1. **Short title**

This Law may be cited as the Old Metal Dealers Law.

2. **Interpretation**

In this Law—

"**dealer in old metal**" means any person dealing in old metal, whether or not such person deals solely in old metal;

"**metal**" means any metal specified in the First Schedule;  
[First Schedule.]

"**old metal**" means old metal, scrap metal, broken metal or partly manufactured metal goods, or defaced or old metal goods.

3. **Search for old metal stolen or unlawfully obtained**

(1) A magistrate, upon complaint being made before him upon oath that the complainant has reason to believe and does believe that any old metal stolen or unlawfully obtained is kept in any house, shop, room or place by any dealer in old metal, may give authority by warrant to any police officer to enter such house, shop, room or other place, with such assistance as may be necessary, and to search for and seize all old metal there found and to carry all such old metal seized before a magistrate.

(2) When old metal is brought before a magistrate in accordance with subsection (1) such magistrate shall thereupon issue a summons requiring such dealer to appear before him.

(3) If a dealer in old metal—

(a) shall not when summoned in accordance with subsection (2) prove to the satisfaction of such magistrate how he came by the said old metal; or

- (b) is found in possession of any old metal which has been stolen or unlawfully obtained and on his being taken or summoned before a magistrate it is proved to the satisfaction of the magistrate that at the time when he received such old metal he had reasonable cause to believe it to have been stolen or unlawfully obtained,

then in either of such cases such dealer shall be guilty of an offence and liable on conviction—

- (i) for a first offence to a fine not exceeding two thousand naira or to imprisonment for a term not exceeding twelve months; and
- (ii) for any second or subsequent offence to a fine not exceeding five thousand naira or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

[No. 4 of 2006.]

(4) Nothing in this section shall affect any proceedings to which a dealer in old metal may be liable for dishonestly receiving stolen property:

Provided that no person shall be prosecuted for an offence of dishonestly receiving stolen property who has been convicted of an offence contrary to this section in respect of the same facts.

#### **4. Requirement of registration of dealer in old metal**

(1) When any dealer in old metal is convicted of an offence contrary to section 3, a magistrate may order that such dealer shall be registered with the Commissioner of Police for the State for a period not exceeding three years, and such registration shall record the date of registration, the date of conviction, the place of abode and business of the person registered.

(2) When any dealer in old metal is registered in accordance with

subsection (1) such dealer shall be subject to the provisions of sections 5, 6, 7 and 8 during the period of such registration.

(3) (a) If any dealer in old metal registered in accordance with subsection (1) is convicted during the period of registration of any offence contrary to this Law, the Court in which he is convicted may order such period of registration to be extended for a period not exceeding three years from the time when such period would otherwise expire.

(b) If any dealer in old metal is convicted of an offence contrary to this Law during the period of registration prescribed by paragraph (a) of this subsection the Court in which he is convicted may order such period of registration to be further extended for a period not exceeding three years from the time when such period would otherwise expire.

#### **5. A registered dealer in old metal to give notice of change of place of business**

(1) A dealer in old metal registered in accordance with section 4 shall, upon removing to any place of business in the State other than the one in respect of which he is registered, give notice of such removal to the Commissioner of Police of the State and his new place of business shall be registered in accordance with section 4.

(2) A dealer in old metal who fails to give notice as required by subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand naira or to imprisonment for three months, and to a penalty not exceeding two hundred naira for every day after the first in which he continues to carry on such business without giving such notice.

[No. 4 of 2006.]

#### **6. Magistrate may authorise inspection by superior police officer of place of business of dealer in old metal**

(1) A magistrate may by order in writing authorise one or more

superior police officers to visit at any time the place of business of a dealer in old metal registered in accordance with section 1, and to inspect the goods and books of such a dealer.

(2) Every superior police officer authorised by a magistrate in accordance with subsection (1) shall record in the book referred to in paragraph (a) of subsection (1) of section 7 the day and hour of his visit, and shall sign his name opposite the entry of every article examined by him.

**7. Requirements to be complied with by a registered dealer in old metal**

(1) A dealer in old metal registered in accordance with section 4—

(a) shall keep a book or books fairly written, and shall enter therein an account as in Form A in the Second Schedule of all such old metal as may come into his possession, stating in respect of each article the name of the person who purchased or received the same, and the time at which and the name of the person from whom he purchased or received the same, adding in the case of every such last mentioned person a description of his business and place of abode; and he shall also enter in such book or books an account as in Form B in the Second Schedule of all such old metal as he may from time to time sell or dispose of, stating in respect of such old metal the name of the person to whom he sold or disposed of the same, adding a description of the business and place of abode of such person; and every such entry in such book or books shall be deemed, unless the contrary be shown, to have been made by or with the authority of the dealer in old metal to whom such book or books belong;

[Second Schedule, Form A and Form B.]

(b) shall not by himself or any other person purchase or

receive any old metal of any description before the hour of seven in the morning nor after the hour of six in the evening; nor shall he by himself or any other person purchase or receive old metal of any description from any person apparently under the age of sixteen years; nor shall he employ any servant or apprentice or any other person under the age of sixteen years to purchase or receive old metal of any description;

- (c) shall produce to any superior police officer authorised by a magistrate in accordance with section 6, whenever requested to do so by such superior police officer, the book or books required to be kept as aforesaid, and any old metal purchased or received by him then in his possession; and such old metal shall be deemed to be in the possession of such dealer when it is placed in any house, outhouse, yard, garden or place occupied by him, or shall have been removed with his knowledge and permission to any other place without a *bona fide* sale of such old metal having been made by him;
- (d) shall without delay give notice to the superior police officer in charge of the local government area in which his place of business is registered of any articles then in his possession or which shall thereafter come into his possession answering the description of any articles which have been stolen, embezzled or fraudulently obtained, of which printed or written information, containing a description of such articles, is given to him by any police officer;

[KWS No. 10 of 1991.]

- (e) shall keep all old metal purchased or received by him, without changing the form in which such old metal was

when so purchased, or disposing of the same in any way, for a period of forty-eight hours after such old metal has been purchased or received by him.

(2) A dealer in old metal registered in accordance with section 4 who fails to comply with any requirement of subsection (1) of this section shall be guilty of an offence and liable on conviction—

- (a) for a first offence to a fine of one thousand naira or to imprisonment for one month; and
- (b) for a second or subsequent offence to a fine of two thousand naira or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

[No. 4 of 2006.]

## **8. Application of fines**

The Court imposing any fine under this Law may direct that the whole or part of any such fine shall be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed.

9. ....

[No. 4 of 2006.]

## **10. Power to amend First Schedule**

The Governor may by order vary the First Schedule to this Law.

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### **FIRST SCHEDULE**

[Section 2.]

Metals

Copper

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SECOND SCHEDULE

[Section 7.]

FORMA

*Entry of Purchases and Receipts*

Day and hour of purchase of receipt	Description of old metal purchased or received	Name and surname of person who purchased or received	Name and surname of person from whom purchased or received	Business and place of abode of person from whom purchased or received

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FORM B

*Entry of Sales*

Day of sale	Description of old metal sold	Name and surname of person to whom sold	Business and place of abode or business of person to whom sold

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## CHAPTER 04

### OLD METAL DEALERS LAW

#### SUBSIDIARY LEGISLATION

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*No Subsidiary Legislation*

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