

Licences (Amendment) Ordinance 1948

Ordinance No. 38 of 1948

I assent,

DONALD M. KENNEDY
Governor

4th June, 1948.

An Ordinance further to amend the Licences Ordinance 1944.

[9th June, 1948]

BE IT ENACTED by the Governor, with the advice and consent of the Council of Government, as follows-

Short Title

1. This Ordinance may be cited as the Licences (Amendment) Ordinance, 1948, and shall be read as one with the Licences Ordinance, 1944, as subsequently amended, hereinafter referred to as the principal Ordinance.

Section 4 of Ord. No. 36 of 1944 amended.

2. Section 4 of the principal Ordinance shall have effect as if-
 - (1) (a) for the brackets and figures (1), (2), (3), (4), (6), (6), (7), and (8), there were substituted the brackets and letters (a), (b), (a), (d), (e), (f), (g), and (h), respectively;
 - (b) that section began with the brackets, figure, words and punctuation :
 - (1) The following persons are exempted from the obligation of taking out licences for the exercise of their respective callings-

(2) the brackets and figure (9) were replaced by the brackets and figure (2).

Section 18 of Ord. No. 36 of 1944 amended.

3. Subsection (1) of section 18 of the principal Ordinance shall have effect as if for the words "Accountant General" there were substituted the words "Commissioner of Police"

Section 35 of Ord. No. 36 of 1944 repealed and replaced.

4. Section 35 of the principal Ordinance is repealed and replaced by the following-

Liability of trader for acts of his agent or Clerk.

36. Any trader who shall employ in his shop or place of business any agent or clerk shall be answerable for the acts of such agent or clerk in so far as they relate to the business of such trader, and if such agent or clerk commits an offence under the provisions of this Ordinance or of any regulations made thereunder, such trader and his agent or clerk shall be jointly and severally liable to the forfeitures, fines and other penalties thereby incurred :

Provided that it shall be a defence for a trader who is proceeded against under this section, to prove to the satisfaction of the Court-

- (a) that he used due diligence to enforce the execution of the provisions of this Ordinance or of the aforesaid regulations, and
- (b) that the offence in question was committed without his knowledge, consent or connivance.

Section 41 of Ord. No. 36 of 1944 repealed and replaced.

5. Section 41 of the principal Ordinance is repealed and replaced by the following-

Manufacturers and retailers of gold and silver wares to keep registers.

41.-(1) Every person licensed to manufacture and sell gold and silver wares or only to retail such wares, shall

(i) keep two registers in the form prescribed by regulations, the leaves of each of which registers shall previously be numbered and initialled by the Commissioner of Police or by a clerk deputed by him in writing

(ii) be bound to make-

(a) day by day, in one of the two registers aforesaid, entries legibly written in English or French, giving the nature, number and weight of all gold articles, whether wrought or unwrought, which he may have purchased, received in exchange or deposit or sold, as well as the names and abodes of the parties from whom he purchased or received or to whom he sold the same, and where he has disposed otherwise than by sale of the gold articles which had come into his possession, the mode of such disposal

(b) in the other register, similar entries with respect to silver articles which he may have purchased, received in exchange or deposit, sold or otherwise disposed of

(iii) be bound to produce on demand to any officer of Police not below the rank of Assistant Superintendent, or to an officer of Police of the rank of Sergeant Major where the latter holds a written authority from the Commissioner of Police in that behalf, the registers mentioned in this section and to deliver such registers to be read and examined by such officer.

- (2) Every such person not keeping his registers or any of them legibly entered up to date, or refusing or neglecting to comply with any of the provisions of this section, shall be liable, on conviction, to a penalty not exceeding three hundred rupees (Rs. 300); and all unregistered gold or silver articles found in the possession of such person shall be seized and forfeited saving the right of bona fide owners to claim back the articles:

Provided always that no manufacturer or retailer of gold and silver wares shall sell, or give in exchange any gold or silver ware to, or receive in deposit or purchase any such ware from, any person who shall decline, prior to such sale, exchange, deposit or purchase, to mention his name and abode.

Any person giving a false name or address to any person licensed as aforesaid to whom he sold or gave in exchange or deposit or from whom he purchased gold or silver articles, whether wrought or unwrought, and any person licensed as aforesaid who shall knowingly make any false entry in any of the aforesaid registers shall be liable, on conviction, to imprisonment not exceeding six months and to a fine not exceeding five hundred rupees (Rs. 500).

Section 53 of Ord. No. 36 of 1944 amended.

6. The first paragraph of subsection (2) of section 53 of the principal Ordinance is repealed and replaced by the following-

Any Police Officer of lower rank may with a warrant from a Magistrate or with the written authority of the Commissioner of Police during the time specified in such warrant or authority, as the case may be, enter, search and examine any such room, house, building, back-shop, or adjoining building, and may also, without such warrant or authority at all times enter, search and examine any room, house, or building, or any back-shop or building adjoining the room, house or building in which a person paying a licence not exceeding fifty

rupees (Rs. 50) for every year, carries on a business, profession, trade, art or calling under this Ordinance.

Schedule I of Ord. No. 36 of 1944 amended

7. The following item shall be added to the list of quarterly licences of Rs. 25 appearing in Schedule I of the principal Ordinance :

No.	Business, trade, profession or calling	Remarks
32	travel Agency ...	With the right to book passages for travellers about to leave the Colony, to register their luggage, to fulfil all formalities and do all matters and things necessary for or incidental to their intended voyage or necessary or incidental to the landing and arrival in the Colony of any passenger or visitor; to supply bona fide visitors to the Colony with information of which they may stand in need-and generally to act on behalf of such travellers and bona fide visitors.