

PARLIAMENT OF CEYLON

1st Session 1956



Pawnbrokers (Amendment) Act, No. 55 of 1956

Date of Assent : December 20, 1956

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AN ACT TO AMEND THE PAWNBROKERS ORDINANCE,
No. 13 of 1942.

[Date of Assent: December 20, 1956]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Representatives of Ceylon in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Pawnbrokers (Amendment) Act, No. 55 of 1956.

Short title.

2. Section 6 of the Pawnbrokers Ordinance, No. 13 of 1942, hereinafter referred to as the "principal enactment", is hereby amended by the substitution, for all the words from "good character and" to the end of that section, of the words "good character."

Amendment of section 6 of Ordinance No. 13 of 1942.

3. Section 7 of the principal enactment is hereby repealed and the following new section substituted therefor:—

Replacement of section 7 of the principal enactment.

"Issue of licences to persons who are not citizens of Ceylon.

7. No licence for carrying on the business of a pawnbroker shall be issued to a person who is not a citizen of Ceylon unless—

(a) a *visa* has been granted to him under the Immigrants and Emigrants Act, No. 20 of 1948, authorising him to remain in Ceylon for such period as the Government Agent may, in his discretion, deem to be sufficient for the purpose of that business, or

(b) it is certified by the Permanent Secretary to the Ministry of Defence and External Affairs or by any other officer of that Ministry authorised in that behalf by such Permanent Secretary that such person was residing in Ceylon on November 1, 1949, and has not been absent from Ceylon on or after that date."

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Insertion of new section 9A in the principal enactment.

4. The following new section is hereby inserted immediately after section 9, and shall have effect as section 9A, of the principal enactment:—

“ Security to be furnished before licence is issued.

9A. No licence for carrying on the business of a pawnbroker shall be issued to any person unless he furnishes security in cash in the prescribed amount. ”

Insertion of new section 23A in the principal enactment.

5. The following new section is hereby inserted immediately after section 23, and shall have effect as section 23A, of the principal enactment:—

“ Application and return of security furnished by pawnbrokers.

23A. (1) Where in any prescribed circumstance any pledge is lost while in pawn with any pawnbroker, the security furnished by such pawnbroker shall be applied in the prescribed manner to the payment of compensation to the pawner or to any other person entitled to redeem such pledge.

(2) Where a person ceases to carry on the business of a pawnbroker, the amount of the security furnished by him less any sum applied therefrom to the payment of such compensation as is referred to in sub-section (1) shall be returned to him. ”

Amendment of section 35 of the principal enactment.

6. Section 35 of the principal enactment is hereby amended as follows:—

(a) by the substitution, for the words “ or any chief headman ”, of the words “ or any public officer authorised in writing in that behalf by the Government Agent or any Divisional Revenue Officer ”; and

(b) by the substitution, for the words “ such officer of police or chief headman ”, of the words “ any such officer or such Divisional Revenue Officer ”.

Insertion of new sections 46A and 46B in the principal enactment.

7. The following new sections are hereby inserted immediately after section 46, and shall have effect as section 46A and section 46B respectively, of the principal enactment:—

“ Regulations.

46A. (1) The Minister may make regulations for giving effect to the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Minister may make regulations—

- (a) prescribing any matter which is required by this Ordinance to be prescribed, and
- (b) providing for any matter incidental or supplemental to the furnishing of security by pawnbrokers.

(3) No regulation made by the Minister under this section shall have effect until it is approved by the Senate and the House of Representatives and notification of such approval is published in the *Gazette*. Every regulation shall, upon notification of such approval in the *Gazette*, be as valid and effectual as if it were herein enacted.

Delegation
of powers,
etc., by the
Government
Agent.

46B. Any power, function or duty of the Government Agent under this Ordinance may be exercised or performed by any public officer who is authorised so to do by writing under the hand of the Government Agent. ”.