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# The Gazette of the Democratic Socialist Republic of Sri Lanka

## EXTRAORDINARY

අංක 2065/29 - 2018 අප්‍රේල් මස 04 වැනි බදාදා - 2018.04.04  
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## PART IV (A) — PROVINCIAL COUNCILS

### Provincial Councils Notifications

NORTHERN PROVINCE PROVINCIAL COUNCIL

Northern Province Pawnbrokers Statute No. 06 of 2017

NOTICE is hereby given that the Northern Province Provincial Council has adopted the Northern Province Supplementary Provision for Appropriation Statute No. 06 of 2017 on 22nd June 2017 and that the Hon. Governor Northern Province has given his Assent to it on 26th March 2018.

K. THEIVENDRAM,  
Secretary,  
Council Secretariat,  
Northern Provincial Council.

Council Secretariat,  
A 9 Road,  
Kaithady,  
27th March, 2018.

**A STATUTE TO PROVIDE FOR THE REGULATION OF THE BUSINESS OF PAWNBROKERS WITHIN THE NORTHERN PROVINCE AND FORMATTERS CONNECTED THEREWITH OR FOR MATTERS INCIDENTAL THERETO. THIS STATUTE IS INCONSISTENT WITH THE PROVISIONS OF PAWN BROKERS ORDINANCE (CHAPTER 99).**

BE it enacted by the Northern Provincial Council of the Democratic Socialist Republic of Sri Lanka as follows:-



## PART I

### GENERAL

- |                                   |   |
|-----------------------------------|---|
| Short title and date of operation | 1. This Statute may be cited as the Northern Province Pawnbrokers Statute No. 06 of 2017 and shall come into operation on such date as the Governor of the Northern Province may give his assent thereto. |
| Applicability of this Statute     | 2. The Provisions of this Statute shall apply to the business of pawnbrokers carried on by any person other than banks.   |

## PART II

### REGISTRATION AND LICENCING

- |  |  |
|--|--|
| Registration of a pawnbroker                                   | 3. No person shall carry on the business of a pawnbroker unless such person is registered as a pawnbroker with the Provincial Revenue Commissioner (hereinafter referred to as “Provincial Commissioner”) of the Northern Province.  |
| Application for registration                                   | <p>4. (1) Every person who desires to carry on the business of a pawnbroker shall apply for registration on a prescribed form with the prescribed fee to the Provincial Commissioner:</p> <p style="padding-left: 40px;">Provided however, an individual who is not a citizen of Sri Lanka or a foreign company or a foreign firm shall be disqualified to apply for registration as a pawnbroker within the Northern Province.</p> <p>(2) No person shall be registered for carrying on the business of a pawnbroker if-</p> <p style="padding-left: 40px;">(a) he is an auctioneer;</p> <p style="padding-left: 40px;">(b) at any time during the five years immediately preceding the date on which he makes his application for registration, he has been found guilty of an offence; or</p> <p style="padding-left: 40px;">(c) in the opinion of the Provincial Commissioner, the shop or place in which that person intends to carry on the business of pawnbroker, or any adjacent house or place possessed by him, is not suitable for carrying on the business of pawnbroker.</p> |
| Licensing the business of pawnbroker                           | <p>5. (1) On and after the coming into operation of this Statute, no registered person under section 4 shall engage in any business of pawnbroker except under the authority of a license issued by the Provincial Commissioner for that purpose.</p> <p>(2) Every registered person under section 4 shall submit a separate application to obtain a separate licence for every place of business and branch thereof.</p> <p>(3) Every licence shall be dated on the day of which it is issued, and shall expire on the thirty-first day of December next ensuing.</p> <p>(4) The Provincial Commissioner shall have the power to delegate in writing to any authorized officer his authority under subsection (1) to issue a licence in respect of the business of pawnbroker.</p>  |
| Application for licence and the processing of such application | <p>6. (1) Every application for the issue of a licence under section 4 shall be made in the prescribed form to the Provincial Commissioner.</p> <p>(2) Every application submitted under subsection (1) shall contain complete and accurate information of all required particulars and be accompanied by the prescribed fee.</p>  |

- (3) (a) Where a business of pawnbroker is carried on by an individual and he intends to convey such business of pawnbroker to a person upon his death, such individual shall subject to the provisions of section 4, nominate a person.
- (b) A document containing rights and obligations of such nominated person shall be accompanied with the application under subsection (1). Such document shall be signed by both parties.
- (4) Where a business of pawnbroker is carried on by anybody of persons corporate or unincorporate, such body of persons corporate or unincorporate shall submit a copy of the certificate or agreement to that effect.
- (5) Upon having considered the information and particulars contained in an application submitted under subsection (1), Where the Provincial Commissioner is satisfied that the applicant has fulfilled the requirements as prescribed pertaining to suitability to be issued with a licence under section 4, he shall issue such licence in Form 'A' set out in the Schedule I to this Statute.
- (6) An application found to contain false, misleading or incorrect information or particulars shall be rejected.
7. (1) Every pawnbroker shall immediately after the receipt of licence but before the commencement of the business of pawnbroker, deposit the prescribed amount as security in a prescribed manner with the Provincial Commissioner. Security
- (2) In the event of closure or conveyance of business, the sum deposited in terms of subsection (1) shall be refunded to such pawnbroker after the deduction of any amount payable to a pawner of articles by such pawnbroker.
8. A licence issued under section 6, shall— Form and duration of a licence
  - (a) be subject to such terms and conditions as specified in the licence;
  - (b) become operative from such date as shall be specified in the licence; and
  - (c) unless earlier revoked, be in force for the period as specified in the licence.
9. (1) A licence issued under section 6 may be renewed upon an application being submitted for that purpose to the Provincial Commissioner in the prescribed form accompanied by the prescribed renewal fee, not less than thirty days prior to the date of expiration of the licence previously issued. Renewal of a Licence
- (2) A copy of annual statement of account of the business of such pawnbroker for the financial year immediately preceding the year of application shall be annexed to the application for renewal of licence made under subsection (1).
- (3) The Provincial Commissioner may renew a licence on receipt of an application under subsection (1), where—
  - (a) the licensee has not violated or done anything in contravention of the terms and conditions of the licence issued;
  - (b) the licensee has not contravened any provisions of this Statute or any regulations made thereunder;
  - (c) the licensee has not at any time during the five years immediately preceding the date on which he makes his application for such licence, been found guilty of an offence;

- (d) in the opinion of the Provincial Commissioner, the shop or place in which that person intends to carry on the business of pawnbroker, or any adjacent house or place possessed by him, is suitable for carrying on the business of pawnbroker; or
- (e) the Provincial Commissioner is of the opinion that such holder of the licence has not, during any application, and in relation to his business as a pawnbroker, dealt in practices which are contrary to the spirit and the purposes of the provisions of this Statute.
- (4) The provisions of section 7 shall apply in respect of a licence issued on renewal under this section.
- Suspension of a licence 10. A licence issued under section 6 may be suspended by the Provincial Commissioner, where-
- (a) any charges were framed against the licensee under this Statute or any regulations made thereunder;
- or
- (b) the licensee has contravened any provisions of this Statute or any regulations made thereunder and the severity of such contravention does not warrant a cancellation of the licence.
- Cancellation of a licence 11. A licence issued under section 6 shall be cancelled by the Provincial Commissioner, where-
- (a) it is found that the licence had been obtained by providing false, misleading or inaccurate information;
- (b) the licensee has been convicted of an offence under this Statute or regulations made thereunder, or of any fraud in his business or of receiving stolen goods knowing them to be stolen;
- (c) the licensee has been convicted for an offence under any written law;
- (d) the licensee has contravened any provision of this Statute or any regulation made thereunder; or
- (e) the licensee has acted in contravention or in violation of any terms or conditions subject to which such licence was issued.
- (2) Where a licence issued is suspended or cancelled as the case may be under section 10 or this section, it shall be the duty of the Provincial Commissioner to inform forth with the licensee of such suspension or cancellation, by a written communication sent under registered post to the address given by the licensee.
- Reasons to be Communicated 12. Where an application for the issue or renewal of a licence under section 6 or section 9, as the case may be, has been refused, the reasons for such refusal shall be recorded by the Provincial Commissioner. It shall be the duty of the Provincial Commissioner to inform the person making such application within a period of thirty days, by a written communication sent under registered post to the address appearing in the application, of the reasons for such refusal.
- Appeals 13. (1) Any person aggrieved by a decision refusing the issue or renewal, as the case may be, of a licence or the suspension or cancellation of a licence issued, may, within three months of the date of receipt of the written communication informing such person, of the refusal or the suspension or cancellation, as the case may be, appeal against such decision to the Board of Review appointed by the Minister.

- (2) The decision on any appeal submitted under subsection (1) shall be made within sixty days of the receipt of such appeal and the person making such appeal shall be informed of the decision made on it, forthwith.
  - (3) Where the Chief Secretary considers it appropriate, he may hold such inquiry as deemed necessary in the circumstances of the case, prior to arriving at any decision on any appeal made to him under subsection (1).
  - (4) The decision of the Chief Secretary on any appeal made under this section, shall be final
14. (1) The Provincial Commissioner shall forward a copy of the licence issued under above section 6 to the Superintendent of Police in charge of the area within which such business of pawnbroker is intended to be carried on. Copy of the licence to be sent to the Superintendent of Police
  - (2) It shall be the duty of the Provincial Commissioner to inform such suspension or cancellation of licence under sections 10 or 11 as the case may be, to the Superintendent of Police in charge of the area within which such business of pawnbroker was carried on.
  15. The holder of a licence issued under section 6 shall not transfer such business of pawnbroker to which such licence relates without the written approval of the Provincial Commissioner. Transfer of licence without prior approval of the Provincial Commissioner
  16. The Provincial Commissioner shall annually publish in the Government *Gazette*, a notice containing, name of licensed pawnbroker, name of the place of business and the address of the premises where the business of pawnbroker is carried on Publication of details of the licensee

### PART III

#### POWERS, FUNCTIONS AND DUTIES OF PAWNBROKER

17. Every pawnbroker who intends to be absent from Sri Lanka during any period exceeding three months shall - Notice of absence from Sri Lanka
  - (a) give a written notice of the intention to go abroad to the Provincial Commissioner and obtain written approval of the Provincial Commissioner for such absence.
  - (b) nominate a person in terms of the provisions of the Statute to carry on the business of pawnbroker during his absence in Sri Lanka.
18. No pawnbroker shall accept any article for pawn before 8.00 a.m. and after 8.00 p.m. on any day. Business hours of a pawn brokers
19. No pawnbroker shall carry on the business of an auctioneer. Pawnbroker not to act as an auctioneer
20. Every pawnbroker shall - Notices to be exhibited by Pawnbroker
  - (a) display in legible characters over the outer door of his shop or place of business, the name of his business, licence registration number and the word “Pawnbroker” in Tamil, Sinhala and English; and
  - (b) display in a conspicuous place of his business place, so as to be clearly visible to and be legible by every person visiting such place, a notice in Tamil, Sinhala and English containing particulars set out in the Schedule - II to this Statute.

Book form or document to be kept by Pawnbrokers	21.	(1) Where any particulars in any book, form or document are required to be entered by this Statute, such particulars shall be entered in Tamil or Sinhala language.
		(2) Every pawnbroker shall maintain a Pledge Book substantially in Form “B” and a Sale Book of Pledge substantially in Form “C” as set out in the Schedule - I to this Statute and shall enter all relevant particulars.
		(3) It shall be the duty of the pawnbroker to submit the same to the Provincial Commissioner, if required to do so.
Pawn receipt	22.	(1) Every pawn receipt shall be substantially in Form “D” as set out in the Schedule - I to this Statute.
		(2) The particulars specified in the Schedule – II to this Statute shall be printed legibly in Tamil or Sinhala on the reverse of the Form “D” as set out in the Schedule - I to this Statute.
		(3) Where a pledge is pawned, the foil of the pawn receipt relating to such pledge shall bear the stamp duty to the prescribed value in the receipt. The expense incurred in providing such stamps shall be borne by the pawnbroker.
		(4) No any article shall be considered to be accepted in pawn unless and until.
		(a) The pawner has signed the counter foil of the pawn receipt;
		(b) The pawnbroker has signed the foil of the pawn receipt and has given the foil to the pawner.
		(c) The pawner has received and accepted the foil of the pawn receipt from the pawnbroker and;
		(d) annual interest is specified in the pawn receipt.
Interest	23.	No pawnbroker shall charge an interest exceeding the rates specified in the Schedule - II to this Statute: Provided that where business turnover tax is payable in respect of a loan given on a pledge, nothing included in the preceding provisions of this section shall be deemed to prohibit the pawnbrokers from recovering such tax from the pawner.

#### PART IV

#### PLEDGES

Period of redemption	24.	Every pledge shall be redeemable within a period of twelve months (hereinafter referred to as the “period of redemption”) from the day of pawning, exclusive of that day.
Pledges continue to be redeemable until sale	25.	Notwithstanding anything in this Statute to the contrary, every pledge shall continue to be redeemable, until it is disposed of, as provided in this Statute, although the period of redemption has expired.
Procedure for redemption of a pledge	26.	(1) The pawner shall be entitled to redeem a pledge, if he surrenders to the pawnbroker the original foil of the pawn receipt relating to that pledge and signs such foil in the presence of the pawnbroker or his agent or servant.
		(2) A person other than the pawner shall be entitled to redeem a pledge, if such person surrenders to the pawnbroker the original foil of the pawn receipt relating to that pledge duly endorsed with the signature of the pawner and if such person signs such foil in the presence of the pawnbroker or his agent or servant.

- (3) Where by reason of the death or a disability of the pawner, the holder of the original foil of the pawn receipt relating to the pledge claims to be entitled to redeem that pledge, but is unable to surrender to the pawnbroker the original foil of the pawn receipt duly endorsed and signed by the pawner, the pawnbroker shall permit the pledge to be redeemed, if such holder of the original foil of the pawn receipt, surrenders to him the said original foil of the pawn receipt relating to that pledge together with a declaration substantially in the Form 'E' set out in the Schedule - I, duly signed before a Justice of Peace or a Commissioner for Oaths by such holder and by the person identifying him.
- (4) Subject to the provisions of subsections (1), (2) and (3), the pawnbroker shall, on payment of the loan, the interest due thereon, and the business turnover tax, if any, payable in respect of such loan, deliver the pledge to the pawner or holder of the pawn receipt relating to the pledge and the pawnbroker is hereby indemnified in respect of such delivery of the pledge:

Provided however, if the pawnbroker has reason to suspect that such holder has obtained the possession of the original foil of the pawn receipt illegally, the pawnbroker shall immediately seize and detain such person and the receipt, and hand over them forthwith to the police officer or to the Grama Niladhari who shall forthwith produce such person and the receipt before a Magistrate's Court.

27. If a person entitled and offering to redeem a pledge shows to the satisfaction of a civil court having jurisdiction that the pledge has become, or has been rendered, of less value than it was at the time of pawning thereof, by or through the default, neglect or willful misbehavior of the pawnbroker, the court, if it thinks fit, award a reasonable compensation, to the satisfaction of the owner of the pledge and the amount of compensation shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker in such manner as the court may direct. Compensation for depreciation of pledge
28. (1) Any person claiming to be the owner of a pledge, but not holding the original foil of the pawn receipt, or any person claiming to be entitled to hold the original foil of the pawn receipt, but who alleges that the original foil of the pawn receipt has been lost, stolen, mislaid, destroyed or fraudulently obtained from him, may furnish to the pawnbroker a declaration substantially in the Form "F" set out in the Schedule - I, duly made before a Justice of Peace by himself and by the person identifying him as a witness, and shall thereupon have as between himself and the pawnbroker, all the same rights and remedies as if he produced the original foil of the pawn receipt:  
Provided that for the purpose of redeeming a pledge he shall sign the counterfoil of the pawn receipt and not the original foil of the pawn receipt thereof as required by section 26. Protection of owners and of pawner not having receipt
- (2) The pawnbroker is hereby indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or false in any material particular.
29. (1) Where the original foil of the pawn receipt is surrendered to the pawnbroker for the purpose of redeeming a pledge, the pawnbroker shall retain in his possession the original foil of the pawn receipt and counterfoil of the pawn receipt for a period of two years reckoned from the date of the redemption of that pledge. Pawn receipt to be retained by the pawnbroker after redemption or sale of Pledge
- (2) Where a pledge is redeemed without the surrender of the foil of the pawn receipt relating to the pledge, the pawnbroker shall retain in his possession for a period of two years reckoned from the date of the redemption of that pledge the counterfoil of the pawn receipt relating to the pledge and the declaration furnished to him under section 28(1) for the purpose of such redemption.

	(3)	Where a pledge is sold under the provisions of this Statute, the pawnbroker shall retain in his possession the counterfoil of the pawn receipt relating to the pledge for a period of twelve months reckoned from the date of sale.
Application and return of security furnished by Pawnbrokers	30. (1)	Where in any circumstances any pledge is lost while in pawn with any pawnbroker, the present market value of such pledge shall be payable to the pawner or to any other person entitled to redeem such pledge. The security furnished by such pawnbroker shall be applied in the prescribed manner to the payment of compensation to the pawner or any other person entitled to redeem such pledge.
	(2)	Where a person ceases to carry on the business of a pawnbroker, the amount of security furnished by him less any sum applied therefrom to the payment of such compensation as referred to in subsection (1) shall be returned to him.
Liability of Pawnbroker incase of fire, natural disaster or any other consequence	31. (1)	Where a pledge is destroyed or damaged by or in consequence of fire, natural disaster or any other consequence, the pawnbroker shall be liable on demand within the period of redemption to pay the value of the pledge, after deducting the amount of loan and interest, and business turnover tax if any, payable in respect of such loan.
	(2)	Every pawnbroker shall have his business insured to the full extent of the value of the articles pawned with him.
	(3)	Every pawnbroker shall be liable to take necessary steps to store the pawned articles in a safe manner.
Receipt of pawnbroker	32.	Every pawnbroker shall, at the time of redemption of the pledge issue a receipt for the amount of loan and interest paid to him and the taxes if any recovered by him and preserve a copy of such receipt with the pledge book. Such receipt shall be substantially in the Form "G" set out in the Schedule - I to this Statute.
Pledges to be sold by auction	33. (1)	Every pledge which is not redeemed within the period of redemption may be disposed by sale in a public auction, but shall not be disposed of otherwise and regulations in the Schedule—III to this Statute shall be observed with reference to the sale.
	(2)	Where a pledge is to be sold by public auction under the preceding provisions of this section, the pawnbroker with whom such pledge has been pawned shall give at least sixty days' notice in writing to the Provincial Commissioner, of the date and time fixed for such auction sale and the place where such sale is to be held. The Provincial Commissioner shall inform his decision to the pawnbroker twenty-one days prior to such sale.
	(3)	Where a pledge of a pawnbroker is to be sold under this statute, the pawner shall be informed by registered post fourteen days prior to the sale of pledge the date, time and place of sale.
Procedure at sale of Pledge for more than the amount of the loan, interest and business turnover tax	34. (1)	In every case where a pledge is sold under this Statute for a sum more than the amount of the loan and interest due on the date of sale and any tax payable in respect of such loan, the pawnbroker shall –
	(a)	forthwith inform the pawner of such pledge, the amount for which the pledge was sold, and of the amount lying to the credit of the pawner after deducting the necessary costs and charges of the sale;



- (b) on demand made within one year from the date of such sale, pay to the holder of the original foil of the pawn receipt relating to that pledge the amount lying to the credit of the pawner;
- (c) if no such demand is made within the period of one year from the date of such sale, forthwith on the expiry of such period, entrust such sum of money lying on the credit of the pawner to the Provincial Commissioner.
- (2) The pawner shall be informed immediately after the money is entrusted to the Provincial Commissioner.
- (3) Where the pawner makes a request to the Provincial Commissioner within a period of two years from the date of sale, the Provincial Commissioner shall take necessary steps to pay such amount within a period of thirty days to the holder of the original foil of the pawn receipt.
- (4) Where no such request is made within a period of two years under subsection (3), such amount of money shall be transferred to the Northern Provincial Council Fund.
- (5) No request shall be entertained upon the expiry of period of two years from the date of sale.
- 35. A pawnbroker may bid for and purchase at a sale by auction, held or purporting to be held under the provisions of this Statute, a pledge pawned with him, and on such purchase, he shall be deemed to be the absolute owner of such pledge purchased. Purchase of pledges by pawnbroker

## PART V

### INSPECTION, EXAMINATION AND SEIZURE

- 36. The Provincial Commissioner or Provincial Deputy Commissioner or an assessor authorized by the Provincial Commissioner in writing shall have the authority to inspect the accounts of the business of a pawnbroker. Inspection of Business
- 37. At any time within two years from the date on which a pledge is sold under the provisions of this Statute, the holder of the original foil of the pawn receipt may inspect the entries of the sale in the pawn broker's book or in the catalogue containing information about the auction sale authenticated by the auctioneer. The pawnbroker shall permit the holder of the original foil of the pawn receipt to inspect the entries of the sale in such book or in the catalogue. Power of inspecting sale book
- 38. Where any person – Proceedings where persons offering articles in pawn do not give a good account of themselves
  - (a) who offers to a pawnbroker an article by way of pawn, refuses or is unable to produce the National Identity Card, passport or driving licence;
  - (b) who offers to a pawnbroker an article by way of pawn, refuses or is unable to provide a satisfactory account of the means by which he became in possession of it;
  - (c) willfully gives false information to a pawnbroker as to whether an article offered in pawn to the pawnbroker by such person is his own property or not, or as to his name and address, or as to the name and address of the owner of the article;
  - (d) attempts and endeavors to redeem a pledge not being entitled to redeem; or

- (e) offers to a pawnbroker an article by way of pawn and the pawnbroker has reason to suspect that it has stolen or otherwise illegally obtained, being the pawnbroker may seize and detain the person and the article and deliver them as soon as possible into the custody of a police officer or Grama Niladari who shall forthwith produce the person and the article before a Magistrate Court to be deal with according to law.

Power to search  
Pawnbroker's  
shop or residence

39. (1) It shall be lawful for any group of officer authorized by the Provincial Commissioner to enter any pawnbroker's shop or place of business or residence at any hour of the day time and examine and take necessary notes of any article pledged with the pawnbroker or any books and documents maintained by him. If the Provincial Commissioner is of the opinion that the assistance of the Police is necessary, a police officer may accompany the officer or officers so authorized.
- (2) No person shall resist any such officer or group of such officers in the execution of such duties.

## PART VI

### OFFENCES AND PENALTIES

Offences by  
pawners and other  
persons

40. Every person who –
- (a) offers to a pawnbroker an article by way of pawn, but refuses or is unable to give a satisfactory account of the means by which he became possessed of such article;
- (b) willfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, and as to his name address, or as to the name and address of the owner of such article;
- (c) without lawful excuse, pawns with pawnbroker anything being the article of another person;
- (d) attempts or endeavors to redeem a pledge not being a person entitled to redeem such pledge;
- (e) makes a declaration under this Statute either for himself or as identifying another, knowing such declaration to be false in any material particulars; or
- (f) contravenes any provisions of this Statute or fails to do anything which he is required to do by this Statute, shall be guilty of an offence.

Offences by  
pawnbrokers

41. Every pawnbroker who –
- (a) accepts an article in pawn from any person appearing to be under the age of eighteen years or to be intoxicated;
- (b) accepts an article in pawn without giving the original foil of the pawn receipt;
- (c) purchases or takes in pawn or exchange the original foil of the pawn receipt issued by another pawnbroker;
- (d) employs any servant under the age of eighteen years to accept an article in pawn;

- (e) purchases, except at a sale by public auction under this Statute, any pledge when, in pawn with him;
  - (f) offers any pledge while in pawn with him to be redeemed with a view to purchasing it;
  - (g) agrees with any person, pawning or offering to pawn any article, to purchase, sell or dispose such article within the period of redemption;
  - (h) sells or otherwise disposes of any pledge pawned with him, except at such time and in such manner as is authorized by this Statute;
  - (i) makes any false entry in any book required to be kept by him under this Statute or fails to make therein any entry which he is required to make by this Statute;
  - (j) seizes and detains any person under sections 26 and 37 of this Statute without any reasonable or justifiable cause;
  - (k) fails to have his business insured to the full extent of the value of all articles pawned with him;
  - (l) contravenes any provision of this Statute or fails to do anything which he is required to do by this Statute;
  - (m) fails to forward the annual statement of accounts to the Provincial Commissioner under the provisions of this Statute, shall be guilty of an offence.
42. Every pawnbroker who knowingly accepts in pawn any linen or apparel, or unfinished goods or materials entrusted to any person to wash, clean, iron, mend, manufacture, workup, finish or decorate shall be guilty of an offence. and, Where any court convicts any pawnbroker of an offence under this section, the court may in addition to any other punishment which such court may impose for that offence, order the pawnbroker to restore the pledge to the owner thereof in the presence of court or in any other manner as the court directs. Prohibition of taking on Pawn linen clothing, unfinished goods
43. Every pawnbroker who fails to deposit with the Provincial Commissioner the amount lying to the credit of a pawner as required by section 34 shall be guilty of an offence and where any court convicts any pawnbroker for such offence, the court may, in addition to any other punishment which it may impose for that offence, order a sum equal to such amount to be recovered from the pawnbroker as it were a fine imposed by the court. Every such sum of money when recovered by the court shall be deposited in the Northern Provincial Council Fund. Pawnbroker failing to deposit money in Provincial Council Fund lying to the credit of a pawner
44. Anything done or omitted to be done by the servant or agent of a pawnbroker in the course of the business or in relation to the business of a pawnbroker, shall be deemed to be done or omitted, as the case may be, by the pawnbroker:  
Provided however, where in the absence of a pawnbroker from the shop or place of business, anything is done or omitted to be done by any servant or agent of the pawnbroker in contravention any provision of this Statute, such servant or agent shall be guilty of an offence. Offence by servant or agent of pawnbroker.
45. (1) Every person who is guilty of an offence under this Statute shall be liable to a fine not exceeding two hundred thousand rupees or imprisonment for a period not exceeding six months or both the fine and imprisonment. Penalty
- (2) The fine charged and collected by a Court under this subsection shall be credited to the Northern Provincial Council Fund.

Articles unlawfully possessed by a pawnbroker 46. Whenever it is reported to a court in any Legal proceeding filed under this Statute that apawnbroker is in unlawful possession of an article or several articles it shall be competent to such court to order the production of the article or articles and its delivery to any person named by such court, under such terms, if any, as it may think proper.

#### PART VII GENERAL PROVISIONS

Nomination 47. (1) Where a business of a pawnbroker is carried on by an individual, upon his death, the business shall, upon the registration made under section 4 be conveyed to the person nominated under section 6 of this Statute.

(2) Where a nominated person predeceases the pawnbroker and no person is nominated by such pawnbroker, upon the death of such pawnbroker, the Provincial Commissioner shall appoint a person to liquidate the business of such pawnbroker.

(3) (a) Where a pawnbroker is unable to carry on his business owing to any disability or any other reason, such pawnbroker may nominate a person his place. Such nomination shall be made subject to the provisions of section 4 of this Statute.

(b) The Provincial Commissioner may register such person and the business shall be conveyed to such nominated person.

(4) Where the business of a pawnbroker is conveyed under subsection (2) or (3), the Provincial Commissioner shall, upon being satisfied issue a licence to the person to whom the assets and liabilities have been conveyed.

(5) Where the business of a pawnbroker is to be carried on by partnership, the partnership agreement shall consist of such provisions to protect the rights of pawnbrokers, when liquidating such business.

Conveyance of business of a pawnbroker 48. (1) Where any pawnbroker intends to convey his business of pawnbroker, such pawnbroker shall make a written request to the Provincial Commissioner accompanied by-

(a) a certificate from the officer in charge of the police station where the business place is situated, and from the officer in charge of the police station where the pawnbroker resides to the effect that there are no complaints against him;

(b) a certificate from the officer in charge of the police station where the person to whom such business is intended to be conveyed (hereinafter referred to as the “conveyor”) resides to the effect that there are no complaints against him;

(c) an *affidavit* to the effect that there is no criminal proceeding in courts against the pawnbroker and the conveyor; and

(d) all information in respect of all pledges to be redeemed and any other information necessary.

(2) The pawnbroker who has made the request under subsection (1) shall not accept any articles in pawn from the date of such request.

(3) Upon the request made under subsection (1), such pawnbroker shall, within a period of one week publish a notice containing the name, address and National Identity Card number of the conveyor in a daily newspaper in Tamil, Sinhala and English languages.

- (4) The notice referred to in subsection (3) shall be affixed in a conspicuous part of the place of business.
  - (5) The Provincial Commissioner shall, upon being satisfied issue a licence to the conveyor.
49. (1) Where any pawnbroker intends to liquidate his business of pawnbroker, such pawnbroker shall communicate his intention to the Provincial Commissioner before three months prior to the liquidation of business accompanied by-
- Liquidation of business of a pawnbroker
- (a) a certificate from the officer in charge of the police station where the business place is situated, and from the officer in charge of the police station where the pawnbroker resides to the effect that there are no complaints against him;
  - (b) an affidavit to the effect that there is no criminal proceeding in courts against him; and
  - (c) all information in respect of all pledges to be redeemed and any other information necessary.
- (2) The pawnbroker referred to in subsection (1) shall not accept any articles in pawn from such date.
  - (3) Upon the communication intimated under subsection (1), such pawnbroker shall, within a period of one week publish a notice containing his name, address, National Identity Card number and licence number of the pawnbroker, and the intention to liquidate business of pawnbroker in a daily newspaper in Tamil, Sinhala and English languages.
  - (4) The notice referred to in subsection (3) shall be affixed in a conspicuous part of the place of business.
  - (5) The Provincial Commissioner shall nominate an officer under whose supervision such liquidation shall take place.
50. (1) Where any pawnbroker, who is required in terms of this Statute or any regulation made there under to furnish a deposit as security has failed to do so within the specified period, such amount shall be deemed to be a default in the payment which such pawnbroker is liable to pay under this Statute.
- Default of payment
- (2) Where upon the death of a person who carried on a pawn business under a license issued upon this Statute, all money and charges payable in respect of all time periods immediately before his death, he had been living shall be executed by his executors who shall be responsible for all actions, matters and things of the deceased under this Statute.  
Provided however
- Death of an owner of a business
- (a) No legal Action shall be filed against executors in respect of any action or default of the deceased person
  - (b) An executor shall not be ordered to pay any sum of money payable in respect of any period before the death of such person after the expiry of three years from the date of this death.

(c) The responsibility of an executor under this section shall be limited to

- (i) Estate of the deceased person which the executor possessed and was under his control at the time of delivery of such notice to him regarding any binding arising under the provision of this Statute.
- (ii) To an amount of any share a beneficiary may receive from such property estate.

Notice to  
pawnbroker who  
is in default

51 (1) Where a pawnbroker makes default in the payment of any sum which he is liable to Pay under this Statute, the Provincial Commissioner shall before taking proceedings to recover any sum in default in the manner hereinafter provided, issue Notice substantially in the Form "A" set out in schedule IV to this Statute together with the required particulars substantially in the form "B" set out in Schedule IV to this statute.

(2) The pawnbroker who is in default in payment of any sum which he is liable to pay under this statute, may within fourteen days of the Notice issued under sub section (1) object to the payment of such sum and the Provincial Commissioner shall consider such objection and give his decision thereon which shall be final.

Provided that where the Provincial Commissioner is satisfied that owing to illness, absence from Sri Lanka or other reasonable cause, the defaulter under subsection (1) was prevented from objecting within fourteen days of the issue of the Notice, he shall grant an extension of time for preferring such objections.

(3) (a) Upon the lapse of fourteen days of the Notice or reaching of final decision under subsection (2), where such pawnbroker makes default in the payment of any sum which he is liable to pay under this Statute, the Provincial Commissioner shall issue a Certificate substantially in the Form "C" set out in schedule IV to this Statute together with a certified copy of the notice served on the pawnbroker and certified copy of the particulars issued under subsection (1) to the Magistrate having jurisdiction in the division in which the place of business of the pawnbroker is situated or in which pawnbroker resides.

(b) The Magistrate shall, thereupon summon such pawnbroker before him to show cause why further proceedings for the recovery of the sum due under this Statute should not be taken against him, and in default of sufficient cause being shown, such sum shall be deemed to be a fine imposed by a sentence of the Magistrate on such pawnbroker for an offence punishable with imprisonment and the provisions of section 291 (except paragraphs (a), (d) and (i) of subsection (1) thereof) of the Code of Criminal Procedure Act, No. 15 of 1979 relating to the default of payment of a fine imposed for such an offence shall thereupon apply and the Magistrate may make any direction which, by the provisions of that subsection, he could have made at the time of imposing such sentence.

(4) (a) Where a pawnbroker makes default in the payment of any sum which he is liable to pay under this statute and the Provincial Commissioner is of opinion that recovery of the amount in default under subsection (3) of this section is impracticable or where the full amount due has not been recovered, then he may issue a certificate substantially in the form "C" set out in the schedule IV to this Statute together with certified copy of the notice served on the pawnbroker and certified copy of the particulars issued under subsection (1) to the District Court

having jurisdiction in any district where the defaulting pawnbroker resides or in which any property movable or immovable of such pawnbroker is situate.

(b) The district Court shall thereupon direct a writ of execution to issue to the fiscal authorizing and requiring him to seize and sell all the property movable and immovable of the defaulting pawnbroker or such part thereof as he may deem necessary for the recovery of the amount so due and the provisions of sections 226 and 297 of the Civil Procedure Code (Chapter 101) shall *mutatis mutandis* apply to such seizure and sale.

(5) The correctness of any statement in a notice or any entry in the particulars issued to the pawnbrokers under subsection (1) or in a certificate issued to the Court under subsections (3) and (4) for the purpose of this section, shall not be called in question or examined by the Court in any proceedings under this section, and accordingly nothing in this section shall authorize the court to consider or decide the correctness of any statement in a notice or any entry in the particulars issued to the pawnbroker under subsection (1) or in a certificate issued to the Court under subsections (3) and (4) and shall be sufficient evidence that the amount due under this Statute from the defaulting pawnbroker has been duly calculated and that such amount is in default.

(6) Where a pawnbroker against whom an order or direction as the case may be, has been issued under subsection (3) or (4) has failed to comply with such order or direction, such pawnbroker shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding Ten Thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

(7) The provisions of the Prescription Ordinance (Chapter 68) shall not apply to the recovery of any sums payable as security under this Statute.

(8) In this section, "pawnbroker" includes a director or a principal officer of a company or body of persons or corporate body, or partner of the partnership, or member or an officer - bearer of an unincorporated body.

52 (1) For the purpose of this Statute, the Provincial Commissioner may, by written notice require any pawnbroker or agent-

The Provincial Commissioner may require information

(a) to produce specified book, accounts, trading lists, stock lists, registers, vouchers, cheque books, pawn receipts, pledge books, audit reports or any other documents mentioned in such notice within a specified period of time;

(b) to supply any information relating to the business of pawnbroker;

(c) to be present at a time, date and place mentioned in the notice, by himself or to be represented by an authorized person to investigate any matter or any matters.

(2) When a notice is served upon any person to furnish any information mentioned under subsection (1), it shall be the duty of the pawnbroker or agent to comply with such direction.

(3) The Provincial Commissioner may have the authority to take such books, accounts, trading lists, stock lists, registers, vouchers, cheque books, pawn receipts, pledge books, audit reports, or other documents in to his custody for a certain period, for the purposes of this Statute.

Prosecution	53	No prosecution for any offence under this Statute shall be instituted except by or with the written sanction of the Provincial Commissioner.
Secrecy	54	<p>(1) Every pawnbroker or his agent or officer of a business of pawnbroker and every person, who by reason of his capacity or office, has any access to the records, registers, correspondence or any other material of such business shall keep absolute secrecy with regard to the contents thereof, in the interests of the pawner.</p> <p>(2) Every other person referred to in subsection (1) shall not give, divulge or reveal any information whatsoever regarding such business to any individual, corporation, bank, court, institution, entity, department, official, agent, representative of the Government of Sri Lanka or any other Government or to any other legal or natural person or judicial unless-</p> <p>(a) the pawnbroker of such business or pawner of such article gives his permission so to do;</p> <p>(b) legal proceedings are instituted by, or against such pawnbroker or by, or against, the pawner;</p> <p>(c) he is required to do so, by any provision of any law.</p>

#### PART VIII Making Regulation

Regulations	55	<p>(1) The Minister may make regulations for the purpose of carrying out or giving effect to the provisions of this Statute.</p> <p>(2) Without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations for all or any of the following matters -</p> <p>(a) all matters in respect of which regulations are required or authorized to be made under this Statute;</p> <p>(b) information to be included in any report required to be submitted under this Statute;</p> <p>(c) books and registers to be kept and maintained by the Provincial Commissioner and particulars to be entered therein;</p> <p>(d) registration fees to carry on a business of pawnbroker; and</p> <p>(e) fees, and security deposit to be furnished by a licensee, and the manner of depositing security fees.</p> <p>(3) All regulations made by the Minister shall be published in the <i>Gazette</i> and shall be placed before the Northern Provincial Council within three months of such Gazetting and be approved by such Northern Provincial Council.</p> <p>(4) Every regulation which is not approved by the Northern Provincial Council shall be deemed to be rescinded from the date of such disapproval, but without prejudice to anything previously done thereunder.</p> <p>(5) Notification of the date on which any regulation shall be deemed to be rescinded, shall be published in the <i>Gazette</i>.</p>
Deemed to be carrying on a business of pawnbroker	56	For the purpose of this Statute, any person who purchases or receives or takes in goods and pays, or advances or lends thereon any sum of money under an agreement or understanding expressed or implied, or be from the nature and character of the transaction



reasonably inferred that those goods may be redeemed or purchased on any conditions, or who maintains a shop for the purchase or sale of goods or for taking goods by way of security for money advanced thereon shall be deemed to be carrying on the pawn business and further every such transaction, article payment advance and loan shall be deemed a pawning, pledge and loan within the meaning of this Statute.

57

It is hereby declared as follows-

Savings

- (a) Notwithstanding the enactment of the Northern Province Pawnbrokers Statute, No. 06 of 2017, every regulation made under the Pawnbrokers Ordinance (Chapter 99) as in force on the date of commencement of this Statute, in so far as such regulation is not inconsistent, with the provisions of this Statute shall be deemed to be made under this Statute, and such regulation may be amended, rescinded or altered by regulation made under this Statute;
- (b) Every licence issued under Section 3 of the Pawnbrokers Ordinance (Chapter 99) within the Northern Province on the day preceding the date of operation of this Statute, shall, with effect from the date of operation of the Statute be deemed to be issued under Section 6 of this Statute;
- (c) all security furnished by a pawnbroker under Section 23A of the Pawnbrokers Ordinance (Chapter 99) within the Northern Province on the day preceding the date of operation of this Statute, shall, with effect from the date of operation of the Statute be deemed to be furnished under section 7 of this Statute;
- (d) all actions and proceedings instituted by or against the pawnbroker under the provisions of the Pawnbrokers Ordinance (Chapter 99) within the Northern Province and pending on the day preceding the date of operation of this Statute shall, with effect from the date of operation of the Statute, be deemed to be actions and proceedings instituted by or against the pawnbroker as the case may be, under the provisions of this Statute and may be continued and completed accordingly; and
- (e) all liabilities of the pawnbroker under the Pawnbrokers Ordinance (Chapter 99) within the Northern Province on the day preceding the date of operation of this Statute, shall with effect from the date of operation of the Statute, be deemed to be liabilities of such pawnbroker.

#### PART IX

58

In this Statute, unless the context otherwise requires-

Interpretation

**“business place”** includes a house, store house, shop, company, joint business, partnership business and place where business activities are carried out and any of the places where such branches are maintained;

**“Chief Secretary”** means the Chief Secretary of the Northern Province;

**“Foreign Company”** means any company or body corporate incorporated outside Sri Lanka, which has established a place of business within Sri Lanka and continues to have an established place of business within Sri Lanka;

**“Foreign Firm”** means a firm -

- (i) consisting of two partners, one of whom is not a citizen of Sri Lanka or both of whom are not Sri Lankans; or
- (ii) consisting of more than two partners at least one of whom is not a citizen of Sri Lanka;

**“Pawner”** means a person delivering an article for pawn to a pawnbroker;

**“Pledge”** means an article pawned with a pawnbroker;

**“Provincial Commissioner of the Northern Province”** means the Provincial Commissioner of Revenue appointed for the purpose of the Finance Statute of the Northern Province No. 1 of 2014;

**“Provincial Council Fund”** means the Provincial Fund of the Northern Province established under Section 19 of the Provincial Councils Act, No. 42 of 1987;

**“Provincial Deputy Commissioner”** means the Deputy Commissioner of Revenue appointed for the purpose of the Finance Statute of the Northern Province No. 1 of 2014;

**“Minister”** means the Minister of the Northern Province to whom the subject of Finance is assigned;

**“person”** includes anybody of persons corporate or unincorporated;

**“Provincial Council”** means the Provincial Council of the Northern Province;

**“Sri Lankan Citizen”** means any individual who by birth or prevailing law becomes a citizen of Sri Lanka;”

**“unfinished goods”** includes any goods of any manufacture or branch of any manufacture, either mixed or separate or any materials, whatsoever, intended for composing or manufacture of any goods after such goods or materials are put into a state of manufacture, and before the same are completed or finished for the purpose of wearing or consumption.

**“Pawnbrokers”**: means a person, an institute, a joint company, a limited company except a Bank registered under finance Act.

**“Board of Review”**: -means a board appointed by the Minister to review the appeal in respect of the issue renewal, cancel and suspension of a license.

**“Financial Year”**: means period commencing from 1<sup>st</sup> of April and ending on 31<sup>st</sup> of March of every year.

**“Executor”**: means an executor of a deceased person or an administrator and includes;

- a) **A person**: who is custody of a deceased person’s property or who makes use of such property.
- b) **A person**: who has made submission to District Court to issue a probate or letter of administration in respect of the estate of the deceased person.
- c) **Trustee**: Who acts upon a trusteeship of a last will.

(Section 6)

# **SCHEDULE - I**

## **Form - “A”**

### **LICENCE**

**Number:** .....

I, the Commissioner of Revenue of the Northern Province do hereby issue a licence under the provisions of the Pawnbrokers Statute of the Northern Province, No: 06 of 2017 to carry-out a Pawnbrokers business at the address

to.....  
.....  
.....  
.....

of  
.....  
.....

The validity of this licence expires on .....

Date: .....  
.....  
Provincial Commissioner  
(Rubber Stamp)

(Section 21)

## **Form - “B”**

### **PLEDGE BOOK**

Pledge Book of..... Pawn broker of .....

No. and date of the issue of pawn receipts	No. of pledge in the month	Amount of Loan upon each article	Profit of interest charged upon each article	Name of Pawner	Addresses of Pawner	Name of owner if Pawner is not the owner	Description of Each Article Pawned	Weight of article or jewellery	Value of each article Pawned	Date of redemption	Name and address of person redeeming
		Rs. Cts	Rs. Cts								

(Section 21)

Form "C"  
SALE BOOK OF PLEDGES

Pledge Book of

Pawn broker of

.....  
.....  
.....

.....  
.....  
.....

Date and Place of Sale

:  
.....  
.....  
:  
.....  
.....

Name and address of Auctioneer

.....

No. of Pledge as in pledge Book	Date of Pawning	Name of Pawner	Amount of Loan	Amount of interest due	Amount for which pledge was sold by auctioneer	Name and Address of Purchaser
			Rs. Cts	Rs. Cts	Rs. Cts	

(Section 22)

Form - "D"  
PAWN RECEIPT

**Counter foil No.**  
(to be retained by pawnbroker)

Date:

Name and address of pawnbroker

.....  
.....

I, .....  
the undersigned holding National Identity  
Card No.  
of (address of Pawner)

.....  
.....

.....  
have this day pawned with the aforesaid

**Original foil No.**

.....Date  
.....

.....  
(Name and address of pawner) has this day pawned  
with the undersigned

.....  
(Name and address of pawnbroker)

.....  
..... worth Rs. for  
Rs.

.....  
signature of Pawnbroker or Servant or  
Agent of pawnbroker.

pawnbroker .....		Name .....
.....		.....
Worth Rs. ....		Signature .....
..... for Rs.		.....
.....		(Left thumb impression if unable to sign)
Signature.		

(Rubber Stamp)

(Section 26)

**Form - “E”**

**DECLARATION WHERE THE FOIL OF THE PAWN RECEIPT IS SURRENDERED UNDER SECTION 24  
WITHOUT THE SIGNATURE OF THE PAWNER ENDORSED THEREON**

I, ..... holding National Identity Card No./ Passport No. ....  
of..... (A/B) in pursuance of Pawnbrokers Statute, do solemnly and sincerely declare  
that ..... pledge at the shop of ..... Pawnbroker, the article/articles

described below and received the foil of a pawn receipts for the same and that for the purpose of redeeming the pledge, I am  
unable to surrender the foil of the pawn receipt to the Pawn broker with the signature of the said (Pawner) duly endorsed.

thereon, because the said ..... (Pawner) is dead/Under a legal disability to wit ..... (nature  
of legal disability).

Signature of “A” “B” .....

The article/ Articles above

referred to is/are .....

I, (“C”, “D”) ..... in pursuance of the provisions of the said Statute, do solemnly and sincerely  
declare

that I know the person making the foregoing declaration to be (“A”, “B”) ..... of .....  
.....

Signature of “C”, “D” .....

Declared before me this ..... day of 20 .....

.....

Justice of Peace.

(Rubber Stamp)

(Section 28)

**Form - "F"**

**DECLARATION WHERE THE FOIL OF THE PAWN RECEIPT IS LOST ETC.**

Take, if this Declaration is false the person making the Declaration is punishable.

I, ..... holding National Identity Card No./ Passport No.

..... of ...

..... (A/B) in pursuance of the Pawnbrokers Statute, do solemnly and sincerely

declare that ..... pledge at the shop of ..... Pawnbroker, the  
article/

articles described below and received the foil of a pawn receipts for the same and that for the purpose of redeeming the  
pledge, I am unable to surrender the foil of the pawn receipt to the Pawn broker with the signature of the said (Pawner) duly

endorsed thereon, because the said

..... (Pawner) is dead/Under a legal  
disability to wit

..... (nature of legal disability).

Signature of "A" "B"

.....

The article/ Articles above

referred to is/are.....

I, ("C", "D") ..... in pursuance of the provisions of the said Statute, do solemnly and sincerely  
declare that I know the person making the foregoing declaration to be ("A",  
"B") ..... of .....

Signature of "C" "D" .....

Declared before me this.....

Day of 20 .....

Justice of Peace/Commissioner of Oath  
(Rubber Stamp)

(Section 32)

**Form - "G"**  
**RECEIPT**

Date : .....

Received on redemption of pledge No.

.....

	Rs. Cts.	Rs. Cts.
Amount of Loan	.....	.....
Profit or interest	.....	.....
Business Turnover Tax	.....	.....


.....  
Pawner's Signature

(Section 20)

## **SCHEDULE - II**

### **Rate of Interest**

The rate of interest on every rupee or a fraction of a rupee lent shall be two cents for every month or part thereof.

### **Payment of Tax**

Where a tax under any written Law is payable by the Pawnbroker on a Loan granted upon a pledge, such tax may be recovered from the pawner.

### **Restricting recovery of enhanced interest**

Where Pawnbroker is entitled to enhanced interest as from any date, such enhanced interest shall not be recoverable, if the pawner shows to the satisfaction of a Civil Court, having jurisdiction, that he failed to redeem the pledge before such date, on account of the reason that the pawnbroker's shop remained closed between 8.00 a. m. and 8.00 p.m. on the day preceding such date.

If the pledge relating to the pawn receipt is not redeemed within a period of twelve months from the day of pawning it is liable to be sold by Public auction.

If there be any surplus profit realized at the sale and is not claimed by the pawner within one year from the date of such sale, the said profit shall be deposited to the credit of the pawner in the Provincial Council Fund.

(Section 32)

## **SCHEDULE - III**

### **Regulations relating to Auction of Pledges**

- (1) The auctioneer shall cause all pledges to be exposed to Public view.
- (2) The Auctioneer shall publish catalogue of the pledges containing -
  - (a) The pawn broker's name and place of the business
  - (b) The month in which each pledge was pawned.
  - (c) The number of each pledge as entered in the pledge book at the time of pawning.
- (3) The pledges of each Pawnbroker in the catalogue book shall be shown separately from any pledges of any other Pawnbroker.
- (4) The Auctioneer shall give notice of the sale by publishing advertisement in at least one each of Sinhala, Tamil and English Newspapers and notices shall be displayed in places people gather within the area where the sale is to be held. Such advertisements shall include the following particulars.
  - (a) the pawnbroker's name and place of business; and
  - (b) The month in which the pledges were pawned
- (5) The advertisement shall be published on two days in the same newspapers, and the second advertisement shall be published at least ten clear days before the first day of sale.
- (6) Whenever a Pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form, then that in which he takes the biddings of other persons at the same sale. And when a pawnbroker buys an article the auctioneer shall forthwith declare audibly the name of the Pawnbroker as purchasing the said article.
- (7) The auctioneer shall within 14 days, deliver to the pawnbroker a copy of the catalogue, relating to the pledges of that pawnbroker giving the amount for which the pledges of that pawnbroker were sold and authenticated by his signature.
- (8) The Pawnbroker shall preserve every such catalogue at lease for two years after the auction.

**Schedule IV**

[Section 51]

**Form “A”**

The Notice served on the pawnbroker on defaulting of the Deposit

Provincial Commissioner Office/  
.....

Mr/Mrs. ....  
.....  
.....

Dear Sir/Madam,

Name of the pawn broker: -

Address of the place of business: -

**Defaulting of Deposit as Security**  
**Licence No. : .....**

It has been found that you have defaulted the payments of deposit in terms of section 50 of the Northern Province Pawnbrokers Statute, No. 06 of 2017. The particulars connected thereto are shown in Form 2 annexed hereto.

You are kindly requested to inform me without delay whether this deposit has been already paid. If remittances have been made, please provide me with receipts, documents or any letter to that effect. If the payments have not been made, I hereby inform you to pay the full amount as indicated in Form 2 attached hereto, at the Provincial Commissioner's Office and inform me within next two weeks or please send me a cheque under registered cover for the full amount as indicated in Form 2, written in favour of the Provincial Commissioner, within 14 days from receipt of this Notice.

If further information of the particulars attached to this Notice are required by you, such information could be received by written request by you from this office within two weeks from this Notice.

In case there is no written reply for this notice or no response from you to make the payment within next two weeks, you are hereby informed that legal action will be instituted against you in the Magistrate's Court or District Court for the recovery of the defaulted deposit in terms of the said Statute.

Yours faithfully  
Provincial Commissioner

Provincial Commissioner's Office  
.....  
.....

(Seal)

Date:

\*Delete whichever is inapplicable



**Form “B”**

**Particulars under Subsection (1) of Section 51**

1. Name of the defaulting pawnbroker:.....
2. Name and address of place of business:.....
3. Licence Number:.....
4. Total sum has been defaulted:.....
5. The period of default :.....
6. Any payment made:.....
7. The balance payment due:.....

Provincial Commissioner

Office Seal:

Provincial Commissioner

.....  
.....

Date : .....

**Form “C”**

**Certificate under subsection (3) of section 51**

1. Name of the defaulting pawnbroker:.....
2. Name and address of place of business : .....
3. The period of default of Deposit:.....
4. The aggregate of deposit contributions defaulted :.....
5. Any payment made:.....
6. The balance payment due:.....

Provincial Commissioner

Seal:

Provincial Commissioner’s Office

.....  
.....

Date : .....

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