

CHAPTER 48

OLD METAL

Ordinance
No. 12 of 1905.

AN ORDINANCE TO REGULATE THE BUSINESS OF DEALERS IN OLD METAL.

[21st September, 1905.]

Short title.

1. This Ordinance may be cited as the Old Metal Ordinance.

Interpretation.

2. In the construction and for the purposes of this Ordinance :

" dealer in old metal " means any person dealing in, buying, or selling old metal of any kind or description, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, or portions of machinery, and whether such person deals in such articles only or together with other things ;

" old metal " means the said articles or any of them.

Penalty on dealer in old metal being in possession of stolen property.

3. (1) It shall be lawful for any Magistrate, on complaint made before him, upon oath or affirmation, 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, to give authority by special warrant to any constable or police officer to enter in the daytime such house, shop, room, or place, with such assistance as may be necessary, and to search for and seize all such old metal there found, and to carry all the articles so seized before the Magistrate issuing the warrant, or some other Magistrate.

(2) Such Magistrate shall thereupon issue a summons requiring such dealer to appear before him at a time and place to be named in such summons ; and if such dealer does not then and there prove to the satisfaction of such Magistrate how he came by the said articles, or if any such dealer is found in the 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 such Magistrate that at the time when he

received it he had reasonable cause to believe it to have been stolen or unlawfully obtained, then in either of such cases such dealer shall be liable to a penalty not exceeding fifty rupees, and for any subsequent offence to a penalty not exceeding two hundred rupees, or, in the discretion of the Magistrate, in the case of such second or subsequent offence shall be liable to imprisonment, with or without hard labour, for any term not exceeding three months :

Provided always that nothing herein contained shall interfere with or affect any proceeding by indictment to which such dealer in old metal may be liable for feloniously and knowingly receiving stolen goods, but no person shall be prosecuted by indictment and also proceeded against under this Ordinance for the same offence.

4. (1) When any dealer in old metal is convicted of either of the offences aforesaid it shall be lawful for such Magistrate, or, on proof of such conviction, for any other Magistrate of the same division, to order and direct that such dealer shall be registered at the principal police office of such division in a book to be kept by the Superintendent of Police of such division for such purpose, according to the form A contained in the Schedule.

power to order dealer to be registered after conviction.

(2) From and after such registration such dealer shall be subject to and shall conform to the several regulations hereinafter provided for such period, not exceeding three years, as such Magistrate may order, and if such dealer during such period is convicted of any offence under this Ordinance, the Magistrate so convicting him may order the period for which he is then subject to such regulations to be extended for not more than three years from the time when such period would otherwise expire.

Giving of notice by registered dealer of change of place of business.

5. (1) Every dealer in old metal who is subject to the regulations of this Ordinance as aforesaid shall, upon removing to any other place of business, give notice of such removal at the police station where he is registered, and if he continues to carry on business as a dealer in old metal without giving such notice he shall incur a penalty not exceeding fifty rupees, and a penalty not exceeding five rupees for every day after the first on which he continues to carry on such business without giving such notice.

(2) Where such dealer removes to any place out of the division in which he has been registered, it shall be the duty of the Superintendent of Police for such division to transmit a certificate of such registration signed by himself, which shall be evidence of such registration, together with a certified copy of any order of a Magistrate as to the period for which such dealer is to be subject to the regulations of this Ordinance, to the Superintendent of Police of the division in which such dealer has taken up his residence.

(3) Any Magistrate of such division may thereupon issue a summons to such dealer to appear before him, and if it appears to such Magistrate that he intends to carry on business as a dealer in old metal, such Magistrate may order him to be registered in the same manner as is provided in the last preceding section, and such registration shall have the same effect during the period for which such dealer is to be subject to the regulations of this Ordinance by any order of a Magistrate as aforesaid as in the said Section is provided.

Power of visiting place of business of registered dealer.

6. It shall be lawful for any Magistrate, by order in writing to authorize one or more inspectors or sergeants of police to visit at any time the places of business and inspect the goods and books of dealers in old metal who are subject to the regulations of this Ordinance as aforesaid and who carry on business within the division for which such Magistrate acts ; and every such inspector or sergeant shall, and is hereby empowered to, record, in the book hereinafter required to be kept by every such dealer in old metal, the day and hour of his visit, and to place opposite the entry of every article examined by him his name or initials in attestation of the same.

7. (1) Every dealer in old metal who is registered as aforesaid shall, during the period which a Magistrate may order as hereinbefore provided, conform to the following regulations, that is to say :—

Regulations to be observed by registered dealer.

- (a) he shall keep a book or books fairly written, and shall enter therein, according to the form B contained in the Schedule, an account of all such old metal as he may from time to time become possessed of, 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, according to the form C in the Schedule, an account 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 his business and place of abode ; and every such entry in any such book shall be deemed and taken, unless the contrary is shown, to have been made by or with the authority of the dealer in old metal to whom such book belongs ;
- (b) he shall not, by himself or by any other person, purchase or receive any old metal of any description before the hour of seven o'clock in the morning nor after the hour of six o'clock in the evening, nor shall he, by himself or by 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 twelve years to purchase or receive old metal of any description ;
- (c) he shall produce to any inspector or sergeant of police authorized as in the last preceding section provided, whenever thereto requested, the

book or books required to be kept as aforesaid and any old metal purchased or received by him then in his possession;

(d) he shall without delay give notice to the officer on duty at the police station nearest to the place where he carries on business of any articles then in his possession, or which may 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 officer of police ; and

(e) he shall keep all old metal purchased or received by him without changing the form in which the articles comprising the same were when so purchased, or disposing of the same in any way, for a period of forty-eight hours after such articles have been purchased or received.

(2) For any act or default contrary to the foregoing regulations done or made by any registered dealer in old metal during the period which a Magistrate may order as hereinbefore provided he shall incur a penalty of not less than ten rupees and not exceeding fifty rupees, and for every subsequent offence a penalty of not less than fifty rupees and not exceeding two hundred rupees.

Confiscation of property.

(3) And all old metal seized under the provisions of this Ordinance may be confiscated.

Penalty on dealer found in possession of stores and not accounting for them.

8. If stores are found in the possession or keeping of a person being in the service of the State or in the service of a public department, or being a dealer in marine stores or in old metals, or a pawnbroker (within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers), and he is taken or summoned before a Magistrate's Court

and the court sees reasonable grounds for believing the stores found to be or to have been the property of the State, then, if such person does not satisfy the court that he came lawfully by the stores so found, he shall be liable on summary conviction to a penalty not exceeding fifty rupees.

9. For the purposes of this Ordinance stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Possession defined for the purposes of this Ordinance.

10. All proceedings before any Magistrate under this Ordinance shall be conducted as near as may be according to the form of summary procedure, and shall be subject to the appeal provided by the Code of Criminal Procedure Act for the time being in force in Sri Lanka ; and all penalties imposed under this Ordinance shall be enforced as though they were fines enforceable under the provisions of the Code of Criminal Procedure Act aforesaid.

Procedure and appeal.

11. (1) Any offence or breach of regulations under this Ordinance may be inquired into, tried, and determined by any Magistrate's Court within the division in which such offence or breach was committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor and to declare and adjudge any article liable to be confiscated under section 7 of this Ordinance forfeited, and to condemn the same, whatever may be the amount or value thereof, anything in the Code of Criminal Procedure Act to the contrary notwithstanding.

Magistrate's Court to have jurisdiction

(2) The Magistrate's Court imposing a penalty under this Ordinance may award to an informer any portion not exceeding a moiety thereof which may be actually recovered.

OLD METAL

SCHEDULE

Form A

[section 4.]

REGISTER OF DEALERS IN OLD METAL

Name	Place of Abode and Business	Date of Conviction	Date of Registration	Period for which to be subject to Regulations of the Ordinance

FormB

[section 7.]

ENTRY OF PURCHASES AND RECEIPTS OF OLD METAL

1 Name of Person who purchased or received	2 Name of Person from whom purchased or received	3 Business and Place of Abode of Person from whom purchased or received	4 Description of Old Metal purchased or received	5 Day of purchase or receipt, and hour of day

Form C

[section 7.]

ENTRY OF SALES OF OLD METAL

Name of Person to whom sold	Business and Place of Abode or of Business of Person to whom sold	Description of Old Metal sold	Day of sale