

PAWNBROKERS ACT

CHAPTER 84:05

Act

22 of 1889

Amended by

49 of 1912

6 of 1918

69 of 1921

7 of 1945

46 of 1979

6 of 1993

8 of 1996

6 of 2014

4 of 2020

*20 of 2020

*26 of 2020

124/2020

301/2020

49/2021

158/2021

296/2021

93/2022

158/2022

217/2022

(*See Notes on page 2)

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised</i>
	<i>b O.</i>
1-6	..
7-16	..
17-20	..
21-28	..

Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Act No. 20 of 2020

Amendments made to this Act by Act No. 20 of 2020 took effect on 21st July 2020 by LN 275/2020.

Note on Act No. 26 of 2020

Amendments made to this Act by Act No. 26 of 2020 took effect on 22nd December 2020 by LN 410/2020.

CHAPTER 84:05

PAWNBROKERS ACT

ARRANGEMENT OF SECTIONS

SECTION

1. Short title.
2. Interpretation.
3. Definition of pawnbroker and pawning transactions.
4. Executors, etc., of pawnbrokers.
5. Agents, servants, and apprentices of pawnbrokers.
6. Assigns, executors, etc., or pawners.
7. Application of Act in respect of loans.

GENERAL OBLIGATIONS OF PAWNBROKERS

8. Pawnbrokers to keep books, etc., as in First Schedule.
9. Pawnbrokers to keep names over doors, and tables of rates, etc., exhibited in shops.

PAWNING: REDEMPTION: SALE

10. Pawn tickets.
11. Profits and charges.
12. Pledges redeemable for one year, with seven days of grace.
13. Forfeiture of pledges under forty-eight dollars.
14. Pledges above forty-eight dollars redeemable until sale.
15. Sale by auction of pledges above forty-eight dollars.
16. Offences by auctioneers.
17. Power to inspect sale book.
18. Pawnbroker to account for surplus within three years, subject to set-off.
19. Offences as to pledges for above forty-eight dollars.

DELIVERY UP OF PLEDGE

20. Holder of pawn ticket entitled to redeem.
21. Production of pawn ticket on redemption.
22. Liability of pawnbroker in case of fire.
23. Compensation for depreciation of pledge.

ARRANGEMENT OF SECTIONS—*Continued*

SECTION

- 24. Protection of owners and of pawners not having pawn tickets.
- 25. Delivery to owner of property unlawfully pawned.
- 26. Order for delivery of pledge to person entitled.

GENERAL RESTRICTIONS ON PAWNBROKERS

- 27. Prohibition of purchasing pledges; taking pledges from children, etc.

UNLAWFUL PAWNING AND TAKING IN PAWN

- 28. Unlawful pawning of goods not property of pawner.
- 29. Persons offering articles in pawn and not giving a good account of themselves, etc.
- 30. Prohibition of taking in pawn, linen, clothing, unfinished goods, etc., in certain cases.
- 31. Search warrant for linen, etc., unlawfully pawned.

LICENCES

- 32. Yearly licence and Excise duty.
- 32A. Continuation of validity during specified period.
- 33. Cesser of licence on conviction.
- 34. Licences not to be granted without certificate.
- 35. Certificates to be granted by licensing committee.
- 36. Form and duration of certificate.
- 37. Notice of application.
- 37A. Dispute resolution.
- 38. Grounds of refusal of certificate.
- 39. Forgery of certificate.
- 40. Transfer of business to other premises.

PENALTIES AND LEGAL PROCEEDINGS

- 41. General penalty for offences.
- 42. Frivolous information.
- 43. Common informers compounding information.
- 44. Detention of persons offering forged pawn tickets, etc.
- 45. Pawnbroker's books subject to examination by Police.

SECTION

46. Information to be given by Police to pawnbrokers of lost and stolen property.
47. Right to enter and search pawnshops, etc.
48. Constable may arrest persons loitering about pawnshops under suspicious circumstances.
49. Production of books, etc., before Magistrate.
50. Contracts not void on account of offences.
51. Appeals.

**FIRST SCHEDULE.
SECOND SCHEDULE.
THIRD SCHEDULE.
FOURTH SCHEDULE.**

UNOFFICIAL

CHAPTER 84:05

PAWNBROKERS ACT

An Act relating to Pawnbrokers.

Ch. 31 No. 12.
1950 Ed.

22 of 1889.

Commencement.

[25TH SEPTEMBER 1889]

Short title.

1. This Act may be cited as the Pawnbrokers Act.

Interpretation.
[6 of 2014].

2. In this Act—

“licensing committee” means a licensing committee established under the Liquor Licences Act;

Ch. 84:10.

“pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn;

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

“pledge” means an article pawned with a pawnbroker;

Ch. 25:04.

“Port-of-Spain” means the City of Port-of-Spain as defined from time to time under the Municipal Corporations Act;

“San Fernando” means the City of San Fernando as defined from time to time under the Municipal Corporations Act;

“shop” includes dwelling-house, warehouse and office, or other place of business, or place where business is transacted;

“unfinished goods or materials” includes any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after the goods or materials are put into a state or course of manufacture, or into a state for any process or operation to be performed with or upon them, and before they are completed or finished for the purpose of wear or consumption.

Definition of pawnbroker and pawning transactions.
[46 of 1979].

3. In order to prevent evasion of the provisions of this Act, the following persons shall be deemed to be persons carrying on the business of taking goods and chattels in pawn; that is to say,

every person who keeps a shop for the purchase or sale of goods or chattels, or for taking in goods or chattels by way of security for money advanced on them and who purchases or receives or takes in goods or chattels, and pays or advances or lends on them any sum of money not exceeding four hundred and eighty dollars with or under an agreement or understanding, expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that those goods or chattels may be afterwards redeemed or re-purchased on any terms; and every such transaction, article, payment, advance and loan shall be deemed a pawning, pledge and loan respectively within this Act.

4. The provisions of this Act relating to pawnbrokers extend to and include the executors or administrators of deceased pawnbrokers; except that an executor or administrator shall not be answerable for any penalty or forfeiture personally, or out of his own estate, unless the same is incurred by his own act or neglect.

Executors, etc.,
of pawnbrokers.

5. For the purposes of this Act, anything done or omitted by the servant, apprentice or agent of a pawnbroker in the course of or in relation to the business of the pawnbroker shall be deemed to be done or omitted (as the case may be) by the pawnbroker; and anything by this Act authorised to be done by a pawnbroker may be done by his servant, apprentice or agent.

Agents,
servants, and
apprentices of
pawnbrokers.

6. The rights, powers and benefits by this Act reserved to and conferred on pawners shall extend to and be deemed to be reserved to and conferred on the assigns of pawners, and to and on the executors or administrators of deceased pawners; but any person representing himself to a pawnbroker to be the assign, executor, or administrator of a pawner shall, if required by the pawnbroker produce to the pawnbroker the assignment, probate, letters of administration or other instrument under which he claims.

Assigns,
executors, etc.,
of pawners.

7. (1) This Act applies to every loan by a pawnbroker of four hundred and eighty dollars or under.

Application of
Act in respect of
loans.
[46 of 1979].

(2) Nothing in this Act applies to a loan by a pawnbroker of above four hundred and eighty dollars, or to the pledge on

which the loan is made or to the pawnbroker or pawner in relation to the loan or pledge; and notwithstanding anything in this Act, a person shall not be deemed a pawnbroker by reason only of his paying, advancing or lending on any terms any sum or sums of above four hundred and eighty dollars.

GENERAL OBLIGATIONS OF PAWNBROKERS

Pawnbrokers to keep books, etc., as in First Schedule.

8. (1) A pawnbroker shall keep and use in his business such books and documents as are described in the First Schedule, in the forms indicated or to the like effect, and shall, from time to time as occasion requires, enter in them in a fair and legible manner the particulars indicated in and in accordance with the directions of the Schedule, and shall make all enquiries necessary for that purpose.

(2) If a pawnbroker fails in any respect to comply with this section, he is guilty of an offence against this Act.

Pawnbrokers to keep names over doors, and tables of rates, etc., exhibited in shops.

9. (1) A pawnbroker shall observe the following rules:

(a) he shall always keep exhibited in large characters over the outer door of his shop his given name and surname or names, with the word "Pawnbroker";

(b) he shall always keep placed in a conspicuous part of his shop (so as to be legible by every person pawning or redeeming pledges, standing in any box or place provided in the shop for persons pawning or redeeming pledges) the same information as is in the First Schedule required to be printed on pawn tickets.

First Schedule.

(2) If a pawnbroker fails in any respect to comply with this section, he is guilty of an offence.

PAWNING: REDEMPTION: SALE

Pawn tickets.

10. A pawnbroker shall, on taking a pledge in pawn, give to the pawner a pawn ticket, and shall not take a pledge in pawn unless the pawner takes the pawn ticket.

11. (1) A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the Second Schedule.

Profits and charges. Second Schedule.

(2) A pawnbroker may demand and take the charges specified in the Second Schedule in the cases, and according to the rules, therein stated and prescribed.

Second Schedule.

(3) A pawnbroker shall not, in respect of a loan on a pledge, take any profit, or demand or take any charge or sum whatever, other than those specified in the Second Schedule.

Second Schedule.

(4) A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him.

12. Every pledge shall be redeemable within twelve months from the day of pawning, exclusive of that day; and there shall be added to that year of redemption seven days of grace, within which every pledge (if not redeemed within the year of redemption) shall continue to be redeemable.

Pledges redeemable for one year, with seven days of grace.

13. A pledge pawned for forty-eight dollars or under, if not redeemed within the year of redemption and days of grace, shall, at the end of the days of grace, become and be the pawnbroker's absolute property.

Forfeiture of pledges under forty-eight dollars. [46 of 1979].

14. A pledge pawned for above forty-eight dollars shall further continue redeemable until it is disposed of as provided in this Act although the year of redemption and days of grace are expired.

Pledges above forty-eight dollars redeemable until sale. [46 of 1979].

15. (1) A pledge pawned for above forty-eight dollars shall, when disposed of by the pawnbroker, be disposed of by sale by public auction by an auctioneer licensed under the Auctioneers Act, and not otherwise; and the Regulations in the Third Schedule shall be observed with reference to the sale.

Sale by auction of pledges above forty-eight dollars. Third Schedule. Ch. 84:03. [46 of 1979].

(2) A pawnbroker may bid for and purchase, at a sale by auction made or purporting to be made under this Act, a pledge pawned with him; and on the purchase he shall be deemed the absolute owner of the pledge purchased.

Offences by
auctioneers.

16. If an auctioneer does anything in contravention of the provisions of this Act relating to auctioneers, or fails to do anything which he is required by this Act to do, he is guilty of an offence.

Power to inspect
sale book.
[46 of 1979].

17. At any time within three years after the auction at which a pledge pawned for above forty-eight dollars is sold, the holder of the pawn ticket may inspect the entry of the sale in the pawnbroker's book, and in the filled up catalogue of the auction (authenticated by the signature of the auctioneer), or in either of them.

Pawnbroker to
account for
surplus within
three years,
subject to
set-off.
[46 of 1979].

18. (1) Where a pledge pawned for above forty-eight dollars is sold, and appears from the pawnbroker's book to have been sold for more than the amount of the loan and profit due at the time of sale, the pawnbroker shall, on demand, pay the surplus to the holder of the pawn ticket, in case the demand is made within three years after the sale, the necessary costs and charges of the sale being first deducted.

(2) If on any such demand it appears from the pawnbroker's book that the sale of a pledge or pledges has resulted in a surplus, and that, within twelve months before or after that sale, the sale of another pledge or other pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus, and is liable to pay the balance only after the set-off.

Offences as to
pledges for
above
forty-eight
dollars.
[46 of 1979
6 of 2014].

19. If, with respect to pledges for loans of above forty-eight dollars, a pawnbroker—

- (a) does not bona fide according to the directions of this Act sell a pledge pawned with him;
- (b) enters in his book a pledge as sold for less than the sum for which it was sold, or fails to enter the same;
- (c) refuses to permit any person entitled under this Act to inspection of an entry of sale in the pawnbroker's book, or of a filled up catalogue of the auction authenticated by the auctioneer's signature, to inspect the same;

- (d) fails without lawful excuse (proof whereof shall lie on him) to produce such a catalogue on lawful demand;
- (e) refuses to pay on demand the surplus to the person entitled to receive the same,

he is in every case, liable, on summary conviction, to forfeit to the person aggrieved a sum not exceeding four thousand dollars.

DELIVERY UP OF PLEDGE

20. The holder for the time being of a pawn ticket shall be presumed to be the person entitled to redeem the pledge, and, subject to this Act, the pawnbroker shall accordingly (on payment of the loan and profit) deliver the pledge to the person producing the pawn ticket, and he is hereby indemnified for so doing.

Holder of pawn ticket entitled to redeem.

21. A pawnbroker shall not (except as in this Act provided) be bound to deliver back a pledge unless the pawn ticket for it is delivered to him.

Production of pawn ticket on redemption.

22. (1) Where a pledge is destroyed or damaged by or in consequence of fire, whether the destruction or damage occurs upon the premises of the pawnbroker or of an auctioneer to which the pledge has been removed for the purpose of being sold, the pawnbroker shall nevertheless be liable, on application within the period during which the pledge would have been redeemable, to pay the value of the pledge, after deducting the amount of the loan and profit, the value to be the amount agreed upon between the pawner and the pawnbroker at the time of pawning and declared to be the value on the ticket, and if not so declared at the time of pawning the value to be the amount of the loan and profit and fifty per cent on the amount of the loan.

Liability of pawnbroker in case of fire.

(2) A pawnbroker is entitled to insure to the extent of the value so declared, and if not so declared to the extent of the loan and profit and fifty per cent on the amount of the loan.

23. If a person entitled and offering to redeem a pledge shows to the satisfaction of a Magistrate that the pledge has

Compensation for depreciation of pledge.

become or has been rendered of less value than it was at the time of the pawning of it by or through the default, neglect or wilful misbehaviour of the pawnbroker, the Magistrate may, if he thinks fit, award a reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker (as the case requires) in such manner as the Magistrate shall direct, and in default of payment of any amount which the pawnbroker may be directed to pay, he may be imprisoned for thirty days.

Protection of owners and of pawners not having pawn tickets.

24. (1) The following provisions shall have effect for protection of owners of articles pawned, and of pawners not having their pawn tickets to produce:

- (a) any person claiming to be the owner of a pledge but not holding the pawn ticket, or any person claiming to be entitled to hold a pawn ticket but alleging that it has been lost, mislaid, destroyed or stolen or fraudulently obtained from him, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to him;
- (b) if the applicant delivers back to the pawnbroker the declaration duly made before a Justice by the applicant and by a person identifying him, the applicant shall thereupon have, as between him and the pawnbroker, all the same rights and remedies as if he produced the pawn ticket; but such a declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker (exclusive of a day or days on which the pawnbroker is prohibited from carrying on business);
- (c) the pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period mentioned above;

- (d) the pawnbroker is hereby further 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 is false in any material particular;
- (e) no fee shall be payable on any such declaration.

(2) If any person makes a declaration under this Act, either as an applicant or as identifying an applicant, knowing the same to be false in any material particular, he is guilty of a misdemeanor, and is liable to the punishment attaching by law to perjury.

25. In each of the following cases:

- (a) if any person is convicted under this Act before any Magistrate of knowingly and designedly pawning with a pawnbroker anything being the property of another person, the pawner not being employed or authorised by the owner to pawn the same;
- (b) if any person is convicted in any Court of taking or fraudulently obtaining any goods and chattels, and it appears to the Court that the same have been pawned with a pawnbroker;
- (c) if, in any proceedings before a Magistrate, it appears to the Magistrate that any goods and chattels brought before the Court have been unlawfully pawned with a pawnbroker,

Delivery to owner of property unlawfully pawned.

the Court or Magistrate, on proof of the ownership of the goods and chattels, may, if it or he thinks fit, order the delivery of them to the owner, either on payment to the pawnbroker of the amount of the loan or of any part of it, or without payment of the whole or of any part of it, as to the Court or Magistrate, according to the conduct of the owner and the other circumstances of the case, thinks fit.

26. If a pawnbroker, without reasonable excuse (proof whereof shall lie on him), neglects or refuses to deliver a pledge to the person entitled to have delivery thereof under this Act, he

Order for delivery of pledge to person entitled.

is guilty of an offence under this Act, and a Court or Magistrate may, if the Court or Magistrate thinks fit, with or without imposing a penalty, order the delivery of the pledge on payment of the amount of the loan and profit.

GENERAL RESTRICTIONS ON PAWNBROKERS

Prohibition of purchasing pledges; taking pledges from children, etc.

27. Any pawnbroker who—

- (a) takes an article in pawn from any person appearing to be under the age of sixteen years or to be intoxicated;
- (b) purchases or takes in pawn or exchange a pawn ticket issued by another pawnbroker;
- (c) employs any servant or apprentice or other person under the age of sixteen years to take pledges in pawn;
- (d) carries on the business of a pawnbroker on Sunday or on any public holiday;
- (e) under any pretence purchases, except at public auction, any pledge while in pawn with him;
- (f) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it;
- (g) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner of it for the purchase, sale or disposition of it within the time of redemption; or
- (h) sells or otherwise disposes of any pledge pawned with him except at such time and in such manner as authorised by this Act,

is guilty of an offence.

UNLAWFUL PAWNING AND TAKING IN PAWN

Unlawful pawning of goods not property of pawner. [6 of 2014].

28. (1) If any person knowingly and designedly pawns with a pawnbroker anything being the property of another person, the pawner not being employed or authorised by the owner to pawn the same, he is liable, on summary conviction, to a fine of five thousand dollars, and, in addition thereto, to forfeit any sum not exceeding the full value of the pledge as ascertained by the Magistrate.

(2) The fine and forfeiture when recovered shall be applied towards making satisfaction thereout to the party injured and defraying the costs of prosecution, as the Magistrate may direct; but if the party injured declines to accept of such satisfaction and costs, or if there is any surplus of the fine and forfeiture, then the amount shall be paid into the Consolidated Fund.

29. (1) Any person who—

- (a) offers to a pawnbroker an article by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article;
- (b) wilfully 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, or as to his name and address, or as to the name and address of the owner of the article; or
- (c) not being entitled to redeem, and not having any title by law to redeem, a pledge, attempts or endeavours to redeem the same,

Persons offering articles in pawn and not giving a good account of themselves, etc.

is guilty of an offence.

(2) In every such case, and also in any case where, on an article being offered in pawn to a pawnbroker, he reasonably suspects that it has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize and detain the person and the article, or either of them, and shall deliver the person and the article or either of them (as the case may be) as soon as may be into the custody of a constable, who shall, as soon as may be, convey the person, if so detained, before a Magistrate to be dealt with according to law.

30. If a pawnbroker knowingly takes in pawn any linen or apparel or unfinished goods, or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, he is liable, on summary conviction, to forfeit a sum not exceeding double the amount of the loan; and the pawnbroker shall likewise restore the pledge to the owner, in the presence of the Court, or as the Court directs.

Prohibition of taking in pawn, linen, clothing, unfinished goods, etc., in certain cases.

Search warrant
for linen, etc.,
unlawfully
pawned.

31. (1) If the owner of any linen or apparel or unfinished goods, or materials entrusted to any person as mentioned above, and unlawfully pawned with a pawnbroker, or the owner of any other article unlawfully pawned with a pawnbroker (the last-mentioned owner having on oath satisfied a Magistrate that his goods have been unlawfully obtained or taken from him), makes out on oath before a Magistrate that there is good cause to suspect that a pawnbroker has taken in pawn the linen, apparel, goods, materials, or article, without the privity or authority of the owner, and makes appear to the satisfaction of the Magistrate probable grounds for the suspicion, the Magistrate may issue his warrant for searching, within the hours of business, the shop of the pawnbroker.

(2) If the pawnbroker, on request by a constable authorised by the warrant, refuses to open the shop and permit it to be searched, a constable may break it open within the hours of business, and search as he thinks fit therein for the linen, apparel, goods, materials or article, doing no wilful damage; and if any pawnbroker or other person opposes or hinders the search, he is guilty of an offence against this Act.

(3) If, on the search, any linen, apparel, goods, materials or article mentioned above is or are found, and the property of the owner thereof is made out to the satisfaction of a Magistrate, the Magistrate shall cause the same to be forthwith restored to the owner thereof.

LICENCES

Yearly licence
and Excise duty.
[46 of 1979
6 of 1993
8 of 1996
6 of 2014].

32. (1) Every pawnbroker shall take out yearly from the Board of Inland Revenue an excise licence for carrying on his business, on which licence there shall be charged and paid an Excise duty of two thousand, five hundred dollars.

(2) Every licence shall be dated on the day on which it is issued, and shall terminate on the 31st of December of each year.

(3) A separate licence shall be taken out and paid for by a pawnbroker for each pawnbroker's shop kept by him.

(4) Every such licence shall specify the premises in which the business is to be carried on.

(5) If a person acts as a pawnbroker without having in force a proper licence, he is liable on summary conviction to a fine of fifteen thousand dollars.

32A. (1) Any licence issued under this Act which expires prior to or during the period 27th March 2020 to 14th April 2023, shall be deemed to be valid until 14th April 2023 or such later date as the Minister may, by Order, specify.

Continuation of validity during specified period. [4 of 2020 26 of 2020 124/2020 301/2020 49/2021 158/2021 296/2021 93/2022 158/2022 217/2022].

(2) The Minister may, by Order, extend any of the dates specified in subsection (1).

33. If a pawnbroker is convicted on indictment of any fraud in his business, or of receiving stolen goods, knowing them to be stolen, the Court before which he is convicted may, if it thinks fit, direct that his licence shall cease to have effect, and the same shall cease accordingly.

Cesser of licence on conviction.

34. A pawnbroker's licence shall not be granted to any person except on the production and in pursuance of the authority of a certificate granted under this Act. Any licence granted in contravention of this section is void.

Licences not to be granted without certificate.

35. Certificates under this Act shall be granted by the licensing committee of the district where the application is made.

Certificates to be granted by licensing committee. [6 of 2014].

36. A certificate under this Act shall be in the form given in the Fourth Schedule, or to the like effect, and shall continue in force until the 31st of December in the year in which it is granted.

Form and duration of certificate. Fourth Schedule.

37. A person who intends to apply for a certificate under this Act shall, twenty-one days at least before the application, give notice by registered letter sent by post of his intention to the licensing committee of the district, and to the Commissioner of Police, and shall in the notice set forth his name and address and the district within which he intends to carry on his business. The Commissioner of Police shall forthwith cause notice of the application to be published in the *Gazette*.

Notice of application. [6 of 2014].

37A. (1) Where an objection to the grant of a certificate is made, a licensing committee shall meet with the applicant and the objector to assist them in reaching a mutually acceptable resolution.

Dispute resolution. [6 of 2014 20 of 2020].

Ch. 25:04. (2) Where the parties fail to agree to a resolution, the matter shall be heard by a Magistrate assigned for duty in the relevant Municipality under the Municipal Corporations Act.

Grounds of refusal of certificate.

38. An application for a certificate shall not be refused, except on the following grounds, or one of them:

- (a) that the applicant has failed to produce satisfactory evidence that he is a fit and proper person to hold a licence;
- (b) that the shop in which he intends to carry on the business of a pawnbroker, or any adjacent house or place owned or occupied by him, is frequented by thieves or persons of bad character;
- (c) that he has not complied with section 37.

Forgery of certificate. [6 of 2014].

39. (1) If any person forges a certificate, or tenders a certificate knowing it to be forged, he is liable, on summary conviction, to a fine of five thousand dollars.

(2) A licence granted in pursuance of a forged certificate shall be void; and if any person makes use of a forged certificate, knowing it to be forged, he shall be disqualified from obtaining at any time thereafter a pawnbroker's licence.

Transfer of business to other premises. [6 of 2014].

40. (1) A pawnbroker shall not transfer his pawnbroking business to premises other than those specified in his licence, except with the consent of the licensing committee of the district, which consent shall not be given until the Commissioner of Police has been notified of the proposed transfer, and has had an opportunity of objecting to the same.

(2) Any pawnbroker contravening the provisions of this section is liable, on summary conviction, to a fine of five thousand dollars.

PENALTIES AND LEGAL PROCEEDINGS

General penalty for offences. [6 of 2014].

41. If a pawnbroker or other person is guilty of an offence under this Act, in respect of which a specific forfeiture or penalty is not prescribed by this Act, he is liable, on summary conviction, to a fine of four thousand dollars.

42. Where an information or complaint of any offence against this Act (not being an offence against any provision relating to licences) is laid or made before a Magistrate, and is not further prosecuted, or if any such information or complaint is further prosecuted, but it appears to the Magistrate by whom the case is heard that there was no sufficient ground for the making of the charge, the Magistrate shall have power to award such amends, not exceeding the sum of one thousand dollars, to be paid by the informer or complainant to the party informed or complained against for his loss of time and expenses in the matter, as to the Magistrate seems meet.

Frivolous
information.
[46 of 1979
6 of 2014].

43. If any person lodges an information for an offence alleged to have been committed against this Act by which he was not personally aggrieved, and afterwards directly or indirectly receives, without the permission of a Magistrate, any sum of money or other reward for compounding, delaying or withdrawing the information, he is guilty of an offence.

Common
informers
compounding
information.

44. If any person utters, produces, shows or offers to a pawnbroker a pawn ticket which the pawnbroker reasonably suspects to have been counterfeited, forged or altered, the pawnbroker may seize and detain the person and the ticket, or either of them, and shall deliver the person and the ticket, or either of them (as the case may be), as soon as may be into the custody of a constable, who shall, as soon as may be, convey the person, if so detained, before a Magistrate to be dealt with according to law.

Detention of
persons offering
forged pawn
tickets, etc.

45. (1) The books required by this Act to be kept by a pawnbroker shall be produced by him for examination at any time during business hours on demand by any officer of the Police Service not under the rank of Sergeant and also by any constable holding a written authority from the Commissioner of Police specially authorising him to act under this section, who are hereby severally authorised to enter at any time during business hours any pawnbroker's shop, without warrant, to search for and examine the said books and to take extracts and copies of them.

Pawnbroker's
books subject to
examination by
Police.

(2) If a pawnbroker fails to comply with the requirements of this section, he is guilty of an offence.

Information to be given by Police to pawnbrokers of lost and stolen property.

46. (1) Information as to property lost, stolen or otherwise fraudulently disposed of shall be given by the Police, as soon as possible after the loss or fraud, to all pawnbrokers, with lists and descriptions of the same.

(2) If any property answering the lists and descriptions is in the possession of any pawnbroker, or is subsequently offered to or shown to any pawnbroker, he shall, without unnecessary delay, give information to that effect at the nearest Police Station or to a constable, with the name and address of the person in whose possession the property was seen.

(3) If a pawnbroker fails to comply with any of the requirements of subsection (2), he is guilty of an offence.

(4) A pawnbroker shall have power to seize and detain the person offering or showing such property until the arrival of a constable.

Right to enter and search pawnshops, etc.

47. Any officer of the Police Service not under the rank of Sergeant, and also any constable holding a written authority from the Commissioner of Police specially authorising him to act under this section, may enter any pawnbroker's shop at any time during business hours and may, without warrant, search the house, shop or premises of the pawnbroker for any articles that he may have reason to suspect are there and to have been dishonestly obtained or dishonestly placed there.

Constable may arrest persons loitering about pawnshops under suspicious circumstances.

48. (1) Any constable having reason to believe that a person in or loitering about a pawnbroker's shop under suspicious circumstances has with him any article dishonestly obtained, may detain such person and require him to produce any articles he may have with him.

(2) If any articles are produced which the constable has reason to suspect to have been dishonestly obtained, he may take or cause to be taken the person and the articles to the nearest Police Station, there to be dealt with according to law.

(3) If any person so required to produce such articles refuses to be searched, the constable may take him or cause him

to be taken before a Magistrate or Justice, who, if he thinks fit, may search such person or order him to be searched and if any such articles are found may detain him with the articles so found to be dealt with according to law.

49. A pawnbroker shall, at any time when ordered or summoned by a Magistrate, attend before the Court and produce all books and papers relating to his business which he is required by the Court to produce. If he fails to do so, he is guilty of an offence.

Production of books, etc., before Magistrate.

50. Where a pawnbroker is guilty of an offence against this Act (not being an offence against any provision relating to licences), any contract of pawn or other contract made by him, in relation to his business of pawnbroker, shall nevertheless not be void by reason only of that offence, nor shall he by reason only of that offence lose his lien on or right to the pledge or to the loan and profit; but nothing in this section shall restrict the operation of any provision of this Act providing for the delivery of any goods and chattels, or the restoration of any linen, apparel, goods, materials or article to the owner, under the order of any Court.

Contracts not void on account of offences.

51. (1) A person aggrieved by a refusal of a licensing committee to grant a certificate for a licence may apply in writing to a Magistrate for a review of the decision.

Appeals. [6 of 2014].

(2) A person aggrieved by an order of a Magistrate under subsection (1) or a decision of a Magistrate under section 37A(2) may appeal from the decision to the Court of Appeal.

FIRST SCHEDULE

I—PLEDGE BOOK

I, of, Pawnbroker, of, 20.....

Date of Redemption	Profit charged	Amount of Loan	Number of Pledge in the month	Name of Pawner	Address of Pawner	Name of Owner, if other than Pawner	Address of Owner, if other than Pawner	List of Articles, pawned as described on Pawn ticket	Declared value of each article pawned
--------------------	----------------	----------------	-------------------------------	----------------	-------------------	-------------------------------------	----------------------------------------	------------------------------------------------------	---------------------------------------

RULE

All entries in the last six columns respecting each pledge shall be made on the day of the pawning thereof or within four hours after the end of that day.

Section 8.

II—PAWN TICKET

A—FOR A LOAN OF FORTY-EIGHT DOLLARS OR UNDER

Pawned with (*John Smith*), Pawnbroker, (*36, Upper Prince Street, Port-of-Spain*), for sum of (*twenty-four dollars*).

(*One Black Frock Coat*)

*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.

*The Pawnbroker is entitled to charge—

For this ticket	...	...	...	...	Ten cents.
For profit on each four dollars and eighty cents or part of four dollars and eighty cents lent on this pledge for not more than one calendar month and so on at the same rate per calendar month.	...	...	...	...	Twenty cents.

After the first month, any time not exceeding fourteen days will be charged as half a month, and any time exceeding fourteen days and not more than one month will be charged as one month.

This pledge must be redeemed within twelve calendar months and seven days from the date of pledging. At the end of that time it becomes the property of the pawnbroker.

If the pledge is destroyed or damaged by fire, the pawnbroker will be bound to pay the value of the pledge, after deducting the amount of the loan and profit, such value to be the amount agreed upon between the pawner and pawnbroker at the time of pawning and declared to be the value on the ticket; and if not so declared at the time of pawning, such value to be the amount of the loan and profit and fifty per cent on the amount of the loan.

If this ticket is lost, mislaid or stolen, the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Justice of the Peace, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

B—FOR A LOAN OF ABOVE FORTY-EIGHT DOLLARS

Pawned with (*John Smith*), Pawnbroker, (*36, Upper Prince Street, Port-of-Spain*), this (19th) day of (*March, 20*) by (*Henry Jones.*) of (*25, King Street, Port-of-Spain*) for the sum of (one hundred dollars).

(*One Dress Coat*)

*The Pawnbroker is entitled to charge—

For this ticket Twenty cents.

For profit on each four dollars and twenty cents or part of four dollars and twenty cents lent on this pledge for every calendar month or part of a calendar month Ten cents.

*The following is to be printed on the ticket, on the front or back, or partly on the front and partly on the back.

If this pledge is not redeemed within twelve calendar months and seven days from the day of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after the sale, the pawner may inspect the account of the sale in the pawnbroker's books on payment of two cents, and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire, the pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount agreed upon between the pawner and pawnbroker at the time of pawning and declared to be the value on the ticket; and if not so declared at the time of pawning, such value to be the amount of the loan and profit and fifty per cent on the amount of the loan.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Justice of the Peace, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem the same.

Section 8.

III—SALE BOOK OF PLEDGES FOR LOANS OF ABOVE FORTY-EIGHT DOLLARS

(Date and place of Sale)

(Name and place of business of Auctioneer)

No. of Pledge as in Pledge Book	Date of Pawning	Name of Pawner	Amount of Loan	Amount for which Pledge sold as stated by Auctioneer
			\$	

Section 8.

IV—DECLARATION WHERE PLEDGE CLAIMED BY OWNER

TAKE NOTICE, *if this declaration is false the person making it is punishable as for perjury.*

Unless this printed form is taken before a Justice of the Peace and declared to and signed and delivered back to the pawnbroker not later than the day of, the articles mentioned in it will be delivered to any person producing the pawn ticket.

I, *A.B.*, of, in pursuance of the Pawnbrokers Act, do solemnly and sincerely declare that the article (*or* articles) described below is (*or* are) my property, and that I believe they are pledged at the shop of

The article (*or* articles) above referred to is (*or* are) the following:

And I, *C.D.*, of, in pursuance of the said Act do solemnly and sincerely declare that I know the person now making the foregoing declaration to be *A.B.*, of

Declared before me, Justice of the Peace

for this day of, 20.....



V—DECLARATION WHERE PAWN TICKET LOST, ETC. Section 8.

TAKE NOTICE, if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Justice of the Peace and declared to and signed and delivered back to the pawnbroker not later than the day of, 20....., the articles mentioned in it will be delivered to any person producing the pawn ticket.

I, A.B., of, in pursuance of the Pawnbrokers Act, do solemnly and sincerely declare that pledged at the shop of, pawnbroker, the article (or articles) described below, being property, and received a pawn ticket for the same which has since been by, and that the pawn ticket has not been sold or transferred to any person by or to knowledge or belief.

The article (or articles) above referred to is (or are) the following:

And I, C.D., of, in pursuance of the said Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B., of

Declared before me, Justice of the Peace

for this day of, 20.....

VI—RECEIPT

(Date)

Section 8.

\$

Received on redemption of Pledge No.	...	...	...	...	...	...
Amount of loan	...	...	...	...	...	...
Profit	...	...	...	...	...	...
TOTAL	...	...	...	...	...	...

A.B.
Pawnbroker

Section 11.
[46 of 1979].

SECOND SCHEDULE

PROFIT AND CHARGES ALLOWED TO PAWNBROKERS

I—PROFIT ON LOAN

A—On a loan of forty-eight dollars or under—

For any time during which the pledge remains in pawn not exceeding one month, for every four dollars and eighty cents or fraction of four dollars and eighty cents lent ... Twenty cents.

For every month after the first, including the current month in which the pledge is redeemed, although that month is not expired, for every four dollars and eighty cents or fraction of four dollars and eighty cents lent ... Twenty cents.

If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall, in respect of those fourteen days, be entitled to take half the amount which he would be entitled to take for the whole month.

B—On a loan of above forty-eight dollars—

For every month or part of a month for every sum of four dollars and twenty cents or fraction of a sum of four dollars and twenty cents Ten cents.

II—CHARGE ON PAWN TICKET

Where the loan is forty-eight dollars or under Ten cents.
Where the loan is above forty-eight dollars Twenty cents.

III—CHARGE ON INSPECTION OF SALE BOOK

For inspection of the entry of a sale Twenty cents.

THIRD SCHEDULE

Section 15.
[46 of 1979].

**REGULATIONS AS TO AUCTIONS OF PLEDGES
ABOVE FORTY-EIGHT DOLLARS**

1. At least seven days' notice of sale by auction of pledges shall be given by the auctioneer in a public daily newspaper stating—
 - (a) the pawnbroker's name and place of business;
 - (b) the month in which each pledge was pawned;
 - (c) the number of each pledge as entered at the time of pawning in the pledge book;
 - (d) the place where the auction is to be held, not being a pawnbroker's premises.
2. The advertisement shall be inserted on two several days in the same newspaper and the second insertion shall be at least three clear days before the first day of sale.
3. Pawnbrokers shall send all pledges to the auctioneer at least two days before the sale duly ticketed and numbered and the same shall be fully exposed for sale to public view by the auctioneer on the day before the day of sale.
4. All sales shall be held in places open to the general public and large enough for the accommodation of intending purchasers.
5. The auctioneer shall publish catalogues of the pledges stating—
 - (a) the pawnbroker's name and place of business;
 - (b) the month in which each pledge was pawned;
 - (c) the number of each pledge as entered at the time of pawning in the pledge book.
6. In the catalogues, the pledges of each pawnbroker shall be set out separately from the pledges of other pawnbrokers.
7. Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.
8. The auctioneer shall, within seven days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker were sold, and authenticated by the signature of the auctioneer.
9. The pawnbroker shall preserve a copy of every such catalogue for three years at least after the auction.
10. Pictures, prints, books, bronzes, statues, busts, carvings in ivory and marble, cameos, intaglios, musical, mathematical, and philosophical instruments, and china, sold by auction, shall be sold by themselves and without any other goods being sold at the same sale, four times only in every year (that is to say), on the first Monday in the months of January, April, July and October, and on the following day and days, if the sale exceeds one day, and at no other time.

Section 36.

FOURTH SCHEDULE

FORM OF CERTIFICATE

I, hereby certify that I authorise the grant to *A.B.* of
..... in the county of of a Licence to carry on the
business of a Pawnbroker at (*specify premises*).

Witness my hand this day of 20.....

.....
Magistrate
