

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. CX.

An Act for regulating the Business of Dealers in old Metals. [6th *August* 1861.]

WHEREAS by the Four hundred and eightieth Section of the Merchant Shipping Act, 1854, certain Provisions were enacted for the Regulation of the Business of Persons dealing in, buying, and selling Anchors, Cables, Sails, or old Junk, old Iron or Marine Stores of any Description, and such Provisions have been found beneficial in diminishing the Facilities for disposing of stolen Goods; and it is expedient that similar Provisions should be enacted for the Regulation of the Business of all Dealers in old Metals which afford Facilities for the disposing of stolen Goods: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The old Metal Dealers Act, 1861." Short Title.

2. This Act shall come into operation on the First Day of *January* One thousand eight hundred and sixty-two. Commencement of Act.

3. In

Definition of Terms.

3. In the Construction and for the Purposes of this Act the Term "Dealer in old Metals" shall mean any Person dealing in, buying, and selling old Metal, scrap Metal, broken Metal, or partly manufactured Metal Goods, or defaced or old Metal Goods, and whether such Person deals in such Articles only, or together with Second-hand Goods or Marine Stores, and the Term "old Metals" shall mean the said Articles.

Penalty on Dealer in old Metals being in possession of stolen Property.

4. It shall be lawful for any Justice of the Peace, upon Complaint made before him, upon Oath, 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 Metals within the Limits of the Jurisdiction of such Justice, to give Authority, by special Warrant, to any Constable or Police Officer to enter, in the Daytime, such House, Shop, Room, or other Place, with such Assistance as may be necessary, and to search for and seize all such old Metals there found, and to carry all the Articles so seized before the Justice issuing the said Warrant, or some other Justice exercising similar Jurisdiction, and such Justice shall thereupon issue a Summons requiring such Dealer to appear before Two Justices, at a Time and Place to be named in such Summons, and if such Dealer shall not then and there prove to the Satisfaction of such Justices how he came by the said Articles, or if any such Dealer shall be found in possession of any old Metal which has been stolen or unlawfully obtained, and on his being taken or summoned before Two Justices it shall be proved to the Satisfaction of such Justices 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 Five Pounds, and for any subsequent Offence to a Penalty not exceeding Twenty Pounds, or at the Discretion of the Justices in the Case of such Second or subsequent Offence shall be imprisoned and kept to Hard Labour for any Period not exceeding Three Calendar Months: Provided always, that nothing herein contained shall interfere with or affect any Proceeding by Indictment to which such Dealer in old Metals may be liable for feloniously and knowingly receiving stolen Goods, but no Person shall be prosecuted by Indictment and proceeded against under this Act for the same Offence.

Justices may order Dealer to be registered.

5. When any Dealer in old Metals is convicted of either of the Offences aforesaid, it shall be lawful for such Justices, or, on Proof of such Conviction, for any other Two Justices of the same Petty Sessional District of a County, or City or Borough, on Proof of such Conviction, to order and direct that such Dealer shall be registered at the Principal Police Office of such District or City or Borough in a Book

a Book to be kept by the Chief Officer of Police for the Purpose, according to the Form No. 1. in the Schedule to this Act annexed, and from and after such Registration such Dealer shall be subject to and shall conform to the several Regulations herein-after provided, for such Period, not exceeding Three Years, as such Justices shall order; and if such Dealer shall during such Period be convicted of any Offence under this Act, the Justices so convicting him may order such Period to be extended for not more than Three Years from the Time when such Period would otherwise expire; and in like Manner, whilst such Dealer is subject to the Regulations of this Act, on any further Conviction under this Act, and as often as such further Conviction shall take place, the Justices 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: Provided always, that where any Dealer in old Metals who is also a Dealer in Marine Stores within the Meaning of the Four hundred and eightieth Section of the Merchant Shipping Act, 1854, is registered as aforesaid, he shall likewise conform to the Regulations contained in the said Section of the said Act, and shall be liable to the Penalties in the said Section provided for not conforming to such Regulations.

Dealer to give Notice of Change of Place of Business.

6. Every Dealer in old Metals who is subject to the Regulations of this Act as aforesaid, shall upon removing to any other Place of Business give Notice of such Removal at the Police Office where he is registered, and if he shall continue to carry on Business as a Dealer in old Metals without giving such Notice, he shall incur a Penalty not exceeding Five Pounds, and a Penalty not exceeding Ten Shillings for every Day after the first on which he continues to carry on such Business without giving such Notice; and where such Dealer shall remove to any Place out of the Petty Sessional District of a County or the City or Borough in which he has been registered, it shall be the Duty of the Superintendent of Police for such District, City, or Borough 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 Justices, as to the Period for which such Dealer is to be subject to the Regulations of this Act, to the Clerk of the Justices for the District, City, or Borough in which such Dealer has taken up his Residence, and any of the Justices of such District, City, or Borough may thereupon issue a Summons to such Dealer to appear before Two Justices, and if it shall appear to such Justices that he intends carrying on Business as a Dealer in old Metals, such Justices may order him to be registered in the same Manner as provided in the Fifth Section of this Act, and such Registration shall have the same Effect, during the Period for which such Dealer is to be subject

to the Regulations of this Act by any Order of Justices as aforesaid, as in the said Section provided.

Inspectors and Serjeants of Police to visit Places of Business of registered Dealers in old Metals.

7. It shall be lawful for Two Justices by Order in Writing to authorize One or more Inspectors or Serjeants of Police to visit at any Time the Places of Business and inspect the Goods and Books of Dealers in old Metals who are subject to the Regulations of this Act as aforesaid, and who carry on Business within the District of a County or the City or Borough for which such Justices act, and every such Inspector or Serjeant shall and is hereby empowered to record in the Book herein-after required to be kept by every such Dealer in old Metals the Day and Hour of his Visit, and place opposite the Entry of every Article examined by him his Initials or Name in attestation of the same.

Regulations to be observed by registered Dealers in old Metals.

8. Every Dealer in old Metals who is registered as aforesaid shall, during the Period which the Justices shall order as above provided, conform to the following Regulations; (that is to say,)

(1.) He shall keep a Book or Books fairly written, and shall enter therein, according to the Form No. 2. in the Schedule to this Act annexed, an Account of all such old Metals 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 No. 3. in the Schedule to this Act annexed, an Account of all such old Metals as he may from Time to Time sell or dispose of, stating in respect of such old Metals 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 such Book or Books shall be deemed and taken, unless the contrary be shown, to have been made by or with the Authority of the Dealer in old Metals to whom such Book or Books belong:

(2.) He shall not by himself or any other Person purchase or receive any old Metals of any Description before the Hour of Nine in the Morning nor after the Hour of Six in the Evening, nor shall he by himself or any other Person purchase or receive old Metals 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 Sixteen Years to purchase or receive old Metals of any Description:

(3.) He

(3.) He shall produce to any Inspector or Serjeant 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 Metals purchased or received by him then in his Possession; and such old Metals shall be deemed to be in the Possession of such Dealer when they are placed in any House, Outhouse, Yard, Garden, or Place occupied by him, or shall have been removed with his Knowledge and Permission to any other Place without a *bonâ fide* Sale of such old Metals having been made by him.

(4.) 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 shall 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:

(5.) He shall keep all old Metals purchased or received by him without changing the Form in which such Articles were when so purchased, or disposing of the same in any way for a Period of Forty-eight Hours after such Art cle has been purchased or received:

For any Act or Default contrary to the foregoing Regulations done or made by any registered Dealer in old Metals, during the Period which the Justices shall order as above provided, he shall incur a Penalty of not less than Twenty Shillings and not exceeding Five Pounds, and for every subsequent Offence a Penalty of not less than Five Pounds and not exceeding Twenty Pounds.

Recovery of Penalties.

9. Every Penalty hereby incurred and all Costs directed to be paid upon any Information or Complaint laid under the Provisions of this Act shall be recovered summarily before any Two or more Justices of the Peace in the Manner directed by the Act of the Eleventh and Twelfth Years of the Reign of Her Majesty Queen *Victoria*, Chapter Forty-three, or in such other Manner as may be directed by any Act or Acts that may be passed for like Purposes; and where any Costs or Expenses are incurred in or about the Prosecution or carrying into effect of this Act, which are not recoverable under the Provisions of the above Act, it shall be lawful for any Two Justices of the Peace of any County or Borough, if they shall think fit, to order and direct the same to be paid to the Party incurring the same out of the same Fund and in the same

Manner as is directed by the Act of the Seventh Year of the Reign of His late Majesty King *George* the Fourth, Chapter Sixty-four, in Cases of Felony and Misdemeanor.

Application of Penalties.

10. The Justices imposing any Penalty under this Act may, if they shall think fit, direct the whole or any Part thereof to be applied in compensating any Person for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty is imposed, or to be applied in and towards Payment of the Expenses of the Proceedings; and subject to such Directions or specific Application as aforesaid, all Penalties shall be paid to the Treasurer of the County or of the City or Borough within which such Penalties are recovered, and shall be carried to and form Part of the County Fund or of the City or Borough Fund of such County or of such City or Borough respectively.

Appeal in certain Cases.

11. In all Cases of Convictions under the Fourth Section of this Act, and in all other Cases of Convictions under this Act where a Sum of Money exceeding Five Pounds shall be adjudged to be paid, any Person who thinks himself aggrieved by such Conviction may appeal to the next Court of General or Quarter Sessions which is holden not less than Twelve Days after the Day of such Refusal or Conviction for the County, City, Borough, Liberty, Riding, Division, or Place wherein the Case has been tried; provided that such Person shall give to the Justices or the Complainant, as the Case may be, a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days after such Conviction, and Seven clear Days at the least before such Sessions, and shall also within such Periods respectively enter into a Recognizance with Two sufficient Sureties before a Justice of the Peace, conditioned personally to appear at the said Sessions and try such Appeal, and abide the Judgment of the Court thereupon, and pay such Costs as shall be by the Court awarded; and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein, with or without Costs to either Party, as to the Court shall seem meet: Provided always, that in case the Conviction appealed against shall be under the Fourth Section of this Act, and an Order for Registration has been made on such Conviction, the Party so convicted shall not be subject to the Regulations of this Act until after such Appeal is heard and determined against such Party.

Limit of Act.

12. This Act shall extend to *England* only.

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SCHEDULE.

No. 1.

REGISTER OF DEALERS IN OLD METALS.

Date of Registration.	Date of Conviction.	Period for which to be subject to Regulations of this Act.	Name.	Place of Abode and Business.

No. 2.

ENTRY OF PURCHASES AND RECEIPTS.

Day of Purchase or Receipt, and Hour of Day.	Description of old Metal purchased or received.	Name and Surname of Person who purchased or received.	Name and Surname of Person from whom purchased or received.	Business and Place of Abode of Person from whom purchased or received.

No. 3.

ENTRY OF SALES.

Day of Sale.	Description of old Metal sold.	Name and Surname of Person to whom sold.	Business and Place of Abode or Business of Person to whom sold.

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