

PRECIOUS METALS AND SECOND HAND METALS ACT, 2013-3

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BARBADOS

I assent
ELLIOTT F. BELGRAVE
Governor-General
28th January, 2013.

2013-3

An Act to create measures which control the trade of precious metals and second hand metals.

[Commencement: 31st January, 2013]

ENACTED by the Parliament of Barbados as follows:

PART I
PRELIMINARY

Short title

1. This Act may be cited as the *Precious Metals and Second Hand Metals Act, 2013*.

Interpretation

2. For the purposes of this Act,

“Commissioner” means the Commissioner of Police;

“dealer in second hand metals ” means a person who engages in the business of purchasing, consigning or trading in second hand metals;

“precious metal” means an item that contains gold, silver, platinum or any combination thereof;

“precious metals dealer” means a person who engages in the business of purchasing or selling used precious metals;

“second hand metal” includes used precious metal, iron, copper, lead or brass that is broken, partly manufactured or defaced;

“secondary metals recycler” means any person who, from a fixed location or otherwise in Barbados is engaged in the business of

- (a) paying compensation for regulated metal property that has served its original economic purpose; or
- (b) paying compensation for regulated metal property that has served its original economic purpose and performs the manufacturing process by which ferrous metals or non-ferrous metals or regulated metal property is converted into raw material products consisting of prepared grades and having an existing or potential economic value.

Application

3. This Act does not apply to a
- (a) person that engages in the business of bulk sale and purchase of precious metals from a precious metals dealer or a second hand metals dealer; or
 - (b) secondary metals recycler.

PART II

LICENCES AND REGISTRATION

Dealing with precious metals and second hand metals

- 4.(1) A person shall not operate as a precious metals dealer or a second hand metals dealer without a licence.
- (2) A person who contravenes this section is guilty of an offence and is liable on indictment to a fine of
- (a) \$50 000 or to imprisonment for 10 years or to both where the person is an individual;
 - (b) \$50 000 where the person is a company.

Application for precious metals dealer licence and second hand metals dealer licence

- 5.(1) A person who desires to operate as a precious metals dealer or a second hand metals dealer shall make an application to a magistrate in the district where he desires to be a precious metals dealer or a second hand metals dealer, as the case may be.
- (2) Where the person is an individual, he shall, prior to making the application, ensure that there is a business name registered in accordance with the *Registration*

of *Business Names Act, Cap. 317* under which he shall operate as a precious metals dealer or a second hand metals dealer.

(3) Where the person is a company, a person shall on behalf of the company, prior to making the application, ensure that the company is registered in accordance with the *Companies Act, Cap. 308* under which the company shall operate as a precious metals dealer or a second hand metals dealer.

(4) The person shall state the following on the application:

- (a) the type of licence being applied for;
- (b) where an application is made on behalf of an individual, the individual's
 - (i) name;
 - (ii) gender;
 - (iii) date of birth;
 - (iv) residential address;
 - (v) telephone number;
 - (vi) registered business name;
 - (vii) principal place of business of the registered business name;
 - (viii) telephone number of the principal place of business of the registered business name;
- (c) where an application is made on behalf of a company, the
 - (i) name of the company;
 - (ii) address of the registered office of the company;
 - (iii) telephone number of the registered office of the company;
- (d) whether the person has made an application previously for a precious metals dealer licence or a second hand metals dealer licence and whether the application was rejected;

- (e) where the person has been previously granted a precious metals dealer licence or a second hand metals dealer licence, whether the licence was revoked or suspended;
- (f) whether the person has been convicted of an offence
 - (i) under the Act
 - (ii) involving fraud under any other enactment; or
 - (iii) of handling stolen jewellery or second hand metals.

(5) Subject to subsection (4), the person shall submit certified copies of the documents that verify the business name or the incorporation of the company, as the case may be.

(6) Where a person who desires to operate as a precious metals dealer or a second hand metals dealer fails to comply with subsection (5), the magistrate shall not consider the application.

(7) Where a person knowingly provides false information on the application, that person is guilty of an offence and is liable on indictment to a fine of \$50 000 or to imprisonment for 10 years or to both.

Refusal to issue licence

6. A magistrate may refuse to grant a licence to a person where the person has been convicted of

- (a) a breach of a provision of this Act;
- (b) an offence of handling stolen jewellery or second hand metals; or
- (c) an offence involving fraud under an enactment.

Precious metals dealer licence and second hand metals dealer licence

7.(1) Where a magistrate approves an application of a person for a precious metals dealer licence or a second hand metals dealers licence, the magistrate shall issue the licence for a period of 12 months.

- (2) A person who is issued a licence in accordance with subsection (1) shall pay a fee of \$200 to the magistrate for the licence.
- (3) A precious metals dealer licence or a second hand metals dealer licence issued in accordance with subsection (1) shall be in the Form A or in the Form B, as the case may be, as set out in the *First Schedule*.
- (4) Where the magistrate issues a precious metals dealer licence or a second hand metals dealers licence, the magistrate shall
- (a) cause a notice of the licence issued to be published in the *Official Gazette* and in at least one daily newspaper circulated in Barbados; and
 - (b) immediately forward a copy of the licence issued to the Commissioner.

Registration of licence

- 8.(1) Where a person is issued a licence in accordance with section 7, that person shall, within 7 working days of being issued with the licence, present the licence to a member of the Police Force at the Central Police Station to be registered.
- (2) The member of the Police Force referred to in subsection (1) shall
- (a) verify the licence that the person presents with the copy of the licence retained in accordance with section 7(4)(b); and
 - (b) record in the precious metals register or the second hand metals register, as the case may be, that is established in accordance with section 9, the date that licence was presented and verified.
- (3) Where a person presents a licence to a member of the Police Force in accordance with subsection (1), that person shall provide the following to the member of the Police Force:
- (a) the type of licence granted;
 - (b) the name and address stated on the licence;
 - (c) the date of duration of the licence;

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- (d) where the person is an individual, the individual's
- (i) name;
 - (ii) gender;
 - (iii) date of birth;
 - (iv) residential address;
 - (v) telephone number; and
 - (vi) telephone number of the principal place of business stated on the licence;
- (e) where the person is a company, the telephone number of the registered office of the company stated on the licence;
- (f) certified copies of the documents that verify the business name or the incorporation of the company, as the case may be.
- (4) The person who provides the information referred to in subsection (3) to the member of the Police Force shall
- (a) state his name, telephone number and address; and
 - (b) place his signature and the date he provides the information,
- next to the information that he provides.
- (5) A person who presents a licence in accordance with subsection (1) shall, in writing, inform the Commissioner of any changes to the information submitted in accordance with subsection (3).
- (6) Where the Commissioner receives changes of information pursuant to subsection (5), he shall cause the appropriate notations to be made in respect of the changes in the precious metals register or the second hand metals register, as the case may be.
- (7) Where a person knowingly provides false information to the member of the Police Force, that person is guilty of an offence and is liable on indictment to a fine of \$50 000 or to imprisonment for 10 years or to both.

(8) A person who contravenes subsection (1) or (5) is guilty of an offence and is liable on summary conviction to a fine of

- (a) \$10 000 or to imprisonment for 2 years or to both where the person is an individual;
- (b) \$10 000 where the person is a company.

Precious metals and second hand metals register

9.(1) The Commissioner shall establish a precious metals register and a second hand metals register which shall be in a written form and an electronic form.

(2) A member of the Police Force shall record the information that a person provides in accordance with section 8 and section 11 in the precious metals register or the second hand metals register, as the case may be.

(3) Where a member of the Police Force makes a record in the precious metals register or the second hand metals register, he shall state next to the record

- (a) his name and rank; and
- (b) the date and time that he made the record.

(4) Where the Commissioner receives a copy of a precious metals dealer licence or a second hand metals dealer licence from a magistrate pursuant to section 7(4)(b), the Commissioner shall retain the copy as part of the records of the precious metals register or the second hand metals register, as the case may be.

(5) Every member of the Police Force shall treat all information in the precious metals register and the second hand metals register as confidential.

(6) Where a member of the Police Force contravenes this section, that member of the Police Force is guilty of an offence and is liable to disciplinary proceedings in accordance with the

- (a) *Police Act*, Cap. 167; and

(b) where applicable, the *Public Service Act (Act 2007-41)*.

Premises of business

10.(1) A person who is issued a precious metals dealer licence or a second hand metals dealer licence in accordance with section 7 shall operate as a precious metals dealer or a second hand metals dealer, as the case may be, from the address that the licence states.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on indictment to a fine of

- (a) \$ 50 000 or to imprisonment for 10 years or to both where the person is an individual;
- (b) \$ 50 000 where the person is a company.

Change of premises of business

11.(1) Notwithstanding section 8(6) or 10, where

- (a) a person wishes to engage as a precious metals dealer or a second hand metals dealer from an address other than the address that his precious metals dealer licence or second hand metals dealer licence, as the case may be, states; and
- (b) the duration of the precious metals dealer licence or the second hand metals dealer licence, as the case may be, has not expired,

that person shall make an application in accordance with section 5 for a new licence in respect of the new address.

(2) Where the person is issued a new precious metals dealer licence or second hand metals dealer licence, he shall register the new licence in accordance with section 8.

(3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on indictment to a fine of

- (a) \$50 000 or to imprisonment for 10 years or to both where the person is an individual;
- (b) \$50 000 where the person is a company.

Licence on premises

12.(1) A precious metals dealer and a second hand metals dealer shall place his precious metals dealer licence or second hand metals dealer licence, as the case may be, in a conspicuous place on the premises situate at the address that the licence states.

(2) A precious metals dealer and a second hand metals dealer shall display, next to the precious metals dealer licence or second hand metals dealer licence, as the case may be, a board that bears

- (a) in respect of the precious metals dealer
 - (i) the words “Licensed Precious Metals Dealer”;
 - (ii) the name of the precious metals dealer; and
 - (iii) the date of duration of the precious metals dealer licence; or
- (b) in respect of the second hand metals dealer
 - (i) the words “Licensed Second Hand Metals Dealer”;
 - (ii) the name of the second hand metals dealer; and
 - (iii) the date of duration of the second hand metals dealer licence.

(3) Subject to subsection (2), the precious metals dealer and the second hand metals dealer shall ensure that the words on the board are printed in black letters not less than 2 inches high on a white background.

(4) A precious metals dealer or a second hand metals dealer who contravenes this section is guilty of an offence and is liable on summary conviction to a fine of

- (a) \$10 000 or to imprisonment for 2 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;
- (b) \$10 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

Registration of dealers

13.(1) Notwithstanding the provisions of this Act, where a person has been registered in accordance with the *Old Metals Dealers Act, Cap. 183* or has been issued a certificate in accordance with the *Sale of Old Metals Act, Cap. 150*, that person shall within 3 months of the commencement of this Act

- (a) obtain a precious metals dealer licence or a second hand metals dealer licence, as the case may be, in accordance with this Act; and
- (b) register as a precious metals dealer or as a second hand metals dealer, as the case may be, in accordance with this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on indictment to a fine of

- (a) \$50 000 or to imprisonment for 10 years or to both where the person is an individual;
- (b) \$50 000 where the person is a company.

PART III
RECORDS AND TRANSACTIONS

Interpretation

14.(1) In this Part,

“gemstones” includes diamonds, emeralds, rubies and sapphires;

“minor” means a person under the age of 18 years.

(2) For the purposes of this Part, reference to “transaction” in respect of a

(a) precious metals dealer includes the sale or purchase of precious metals;

(b) second hand metals dealer includes the purchase, consignment or trade in second hand metals.

Payment for purchases by a precious metals dealer or a second hand metals dealer

15.(1) Where a precious metals dealer or a second hand metals dealer engages in the purchase of a precious metal or a second hand metal, as the case may be, from a person, he shall pay that person for the purchase by a cheque.

(2) A precious metals dealer or a second hand metals dealer who contravenes subsection (1) is guilty of an offence and is liable on indictment to a fine of

(a) \$50 000 or imprisonment for 10 years or to both where the person is an individual;

(b) \$50 000 where the person is a company.

Trade of second hand metals

16. Notwithstanding section 15, where a second hand metals dealer engages in trade with a person for the receipt of second hand metal from that person, the second hand metals dealer may exchange property with the person for the receipt of the second hand metal.

Identification and statement of ownership

17.(1) A precious metals dealer or a second hand metals dealer shall not issue a cheque to a person for the purchase of a precious metal or a second hand metal, as the case may be, without

(a) verifying the identity of the person by inspecting a form of identification that includes the following:

(i) evidence that the identification is issued by a jurisdiction;

(ii) a photograph of the person;

(iii) in the case of a passport or a driver's licence, evidence that it is valid; and

(b) obtaining a signed and dated statement of ownership from the person that he is

(i) the legal owner of the precious metal or the second hand metal;
or

(ii) lawfully entitled to sell the precious metal or the second hand metal.

(2) Notwithstanding section 16, a second hand metals dealer shall not exchange property with a person for the receipt of a second hand metal without

(a) verifying the identity of the person by inspecting a form of identification that includes the following:

(i) evidence that the identification is issued by a jurisdiction;

(ii) a photograph of the person;

(iii) in the case of a passport or a driver's licence, evidence that it is valid; and

- (b) obtaining a signed and dated statement of ownership from the person that he is

 - (i) the legal owner of the second hand metal; or
 - (ii) lawfully entitled to trade the second hand metal.
- (3) Subject to subsection (1)(b) and subsection (2)(b), a person who provides a false identification or a false statement is guilty of an offence and is liable on indictment to a fine of \$50 000 or imprisonment for 10 years or to both.
- (4) A precious metals dealer or a second hand metals dealer who contravenes subsection (1) is guilty of an offence and is liable on indictment to a fine of

 - (a) \$50 000 or to imprisonment for 10 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;
 - (b) \$50 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.
- (5) A second hand metals dealer who contravenes subsection (2) is guilty of an offence and is liable on indictment to a fine of

 - (a) \$50 000 or to imprisonment for 10 years or to both where the second hand metals dealer is an individual;
 - (b) \$50 000 where the second hand metals dealer is a company.

Prohibitions

- 18.(1)** A precious metals dealer or a second hand metals dealer shall not
- (a) enter into a transaction with a person before 07:00 hours or after 18:00 hours;
 - (b) enter into a transaction with a minor;
 - (c) employ a minor to enter into a transaction with another person.

- (2) A precious metals dealer or a second hand metals dealer who contravenes subsection (1) is guilty of an offence and is liable on indictment to a fine of
- (a) \$50 000 or to imprisonment for 10 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;
 - (b) \$50 000, where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

Records to be kept by precious metals dealers and second hand metals dealers

19.(1) A precious metals dealer and a second hand metals dealer shall make a record of a transaction that he makes with a person at the time of the transaction.

- (2) The record of a transaction referred to in subsection (1)
- (a) may be in a written form or an electronic form;
 - (b) shall be in the Form C, Form D, Form E, Form F, Form G or Form H, as the case may be, as set out in the *Second Schedule*.
- (3) The record of a transaction shall include the following:
- (a) the date, time and place of the transaction in respect of the precious metal or the second hand metal;
 - (b) details of the person with whom the precious metals dealer or second hand metals dealer conducts the transaction including the person's
 - (i) name;
 - (ii) date of birth;
 - (iii) gender;
 - (iv) race;
 - (v) eye colour and hair colour;
 - (vi) where applicable, distinguishing marks;

- (vii) residential address and telephone number;
- (viii) where applicable, business address and telephone number of the business;
- (c) a copy of the person's identification issued by a jurisdiction including the
 - (i) number;
 - (ii) photograph;
 - (iii) in the case of a passport or driver's licence, the expiration date;
- (d) a description of the precious metal or the second hand metal including, where applicable,
 - (i) unique identification marks including numbers or letters;
 - (ii) engravings;
 - (iii) patterns;
 - (iv) brand name;
 - (v) model number;
 - (vi) serial number of the manufacturer;
 - (vii) colour;
 - (viii) weight;
 - (ix) metal type;
 - (x) content;
 - (xi) a description of gemstones;
 - (xii) the number of gemstones;
- (e) where applicable, the sum of money stated on the cheque that the person receives or pays in relation to the transaction;

- (f)* where applicable, a description of property exchanged in respect of a second hand metal;
 - (g)* a statement of ownership that is signed and dated by the person.
- (4) A precious metals dealer or a second hand metals dealer who contravenes this section is guilty of an offence and is liable on indictment to a fine of
- (a)* \$50 000 or to imprisonment for 10 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;
 - (b)* \$50 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

Retention of records

20.(1) A precious metals dealer and a second hand metals dealer shall keep a record of a transaction for a period of not less than 2 years after the transaction.

(2) A precious metals dealer or a second hand metals dealer who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of

- (a)* \$10 000 or to imprisonment for 2 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;
- (b)* \$10 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

Retention of precious metals and second hand metals

21.(1) Where a precious metals dealer receives a precious metal from a person, he shall not change the form of the precious metal or use, sell, loan or otherwise dispose of the precious metal from the premises situate at the address on his precious metals dealer licence for a period of 10 working days after he receives the precious metal.

(2) Where a second hand metals dealer receives a second hand metal from a person, he shall not change the form of the second hand metal or use, sell, consign, trade, loan or otherwise dispose of the second hand metal from the premises situate at the address on his second hand metals dealer licence for a period of 10 working days after he receives the second hand metal.

(3) A precious metals dealer or a second hand metals dealer, as the case may be, who contravenes this section is guilty of an offence and is liable on indictment to a fine of

- (a) \$50 000 or to imprisonment for 10 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;
- (b) \$50 000 or to imprisonment for 10 years where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

Submission of a copy of record of transaction to the Police Force

22.(1) Subject to section 19, a precious metals dealer and a second hand metals dealer shall submit a copy of a record of a transaction with a person to a member of the Police Force at the Central Police Station within 24 hours of the completion of the transaction.

(2) A precious metals dealer or a second hand metals dealer who contravenes subsection (1) is guilty of an offence and is liable on indictment to a fine of

- (a) \$50 000 or to imprisonment for 10 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;
- (b) \$50 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

Application to Commissioner

23.(1) Notwithstanding section 22, a precious metals dealer or a second hand metals dealer may apply to the Commissioner, in writing, for permission to submit a copy of a record of a transaction within an alternate period of time.

(2) Notwithstanding subsection (1), the Commissioner may not grant more than 3 working days to a precious metals dealer or a second hand metals dealer within which to submit a copy of a record of a transaction.

(3) Where the Commissioner permits a precious metals dealer or a second hand metals dealer to submit a copy of a record of a transaction within an alternate period of time, the Commissioner shall

(a) inform the precious metals dealer or the second hand metals dealer, as the case may be, in writing of the alternate time that he grants to submit the record;

(b) cause a notation to be made in the precious metals register or the second hand metals register, as the case may, of the

(i) alternate time that he grants to submit the record;

(ii) date that he grants the alternate time to submit the record;

(c) retain a copy of the correspondence forwarded to the precious metals dealer or the second hand metals dealer as part of the precious metals register or the second hand metals register, as the case may be.

(4) Subject to subsection (3), a precious metals dealer or a second hand metals dealer who does not comply with the alternate time granted in accordance with this section is guilty of an offence and is liable on indictment to a fine of

(a) \$50 000 or imprisonment for 10 years or to both where the precious metals dealer or the second hand metals dealer, as the case may be, is an individual;

- (b) \$50 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

Exportation of precious metals and second hand metals

24.(1) A precious metals dealer or a second hand metals dealer shall not export a precious metal or a second hand metal, as the case may be, from Barbados unless the Comptroller of Customs approves and inspects the precious metal or the second hand metal.

(2) Where the Comptroller of Customs contravenes subsection (1), he is guilty of an offence and is liable to disciplinary proceedings in accordance with the *Public Service Act (Act 2007-41)*.

(3) A precious metals dealer or a second hand metals dealer who contravenes subsection (1) is guilty of an offence and is liable on indictment to a fine of

- (a) \$50 000 or to imprisonment for 10 years or to both where the precious metals dealer or a second hand metals dealer, as the case may be, is an individual;
- (b) \$50 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

PART IV

PREMISES AND PROPERTY

Right of entry in registered premises

25.(1) A member of the Police Force in uniform may, at a reasonable time, enter and inspect premises situate at the address stated on a precious metals dealer licence or a second hand metals dealer licence.

(2) The member of the Police Force referred to in subsection (1) may, on entry of the premises, request a precious metals dealer or a second hand metals dealer to produce

- (a) records in respect of precious metals or second hand metals;
- (b) precious metals or second hand metals that are on the premises;
- (c) his precious metals dealer licence or second hand metals dealer licence, for inspection.

(3) Where the member of the Police Force inspects any precious metals or second hand metals, he shall record in the records

- (a) the date and time of his inspection; and
- (b) his name, rank and signature,

opposite the entry made in respect of the precious metals or second hand metals, as the case may be.

(4) Where the member of the Police Force on inspection finds a precious metal or a second hand metal that is not stated in the records, he may take the metal into his possession.

(5) Notwithstanding subsection (3), the member of the Police Force may search the premises and take into possession any precious metal or second hand metal that he reasonably believes to have been stolen or fraudulently obtained.

(6) Notwithstanding subsection (5), where the precious metals dealer or the second hand metals dealer proves that he is

- (a) the lawful owner of the precious metal or the second hand metal; or
- (b) lawfully entitled to be in possession of the precious metal or the second hand metal,

a member of the Police Force shall return the precious metal or the second hand metal to the precious metals dealer or the second hand metals dealer, as the case may be.

(7) Where a person prevents or obstructs the member of the Police Force from the execution of his duty under this section, that person is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for 2 years or to both.

Right of entry in premises

26.(1) A member of the Police Force may enter premises that he reasonably suspects is utilised by a person to engage, without a licence, in the business of purchasing or selling used precious metals or of purchasing, consigning or trading in second hand metals.

(2) Where a member of the Police Force enters premises in accordance with subsection (1), the member of the Police Force may search the premises and take into possession any precious metal or second hand metal that he reasonably believes to have been stolen or fraudulently obtained.

(3) Notwithstanding subsection (2), where an occupier or owner of the premises proves that he is

- (a) the lawful owner of the precious metal or the second hand metal;
- (b) lawfully entitled to be in possession of the precious metal or the second hand metal,

a member of the Police Force shall return the precious metal or the second hand metal to the occupier or owner of the premises, as the case may be.

(4) Where a person prevents or obstructs the member of the Police Force from the execution of his duty under this section, he is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for 2 years or to both.

Inspection of persons

27.(1) Where a member of the Police Force reasonably suspects that a person has in his possession a precious metal or a second hand metal of which he is not

the lawful owner or is lawfully entitled to possess, the member of the Police Force may search the person.

(2) Where the member of the Police Force finds the person to be in possession of a precious metal or a second hand metal and reasonably believes that the person is not the lawful owner or is not lawfully entitled to be in possession of that metal, the member of the Police Force shall take the person to the nearest police station for investigation.

(3) A person who prevents or obstructs the member of the Police Force from the execution of his duty under this section is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for 2 years or to both.

Notification of stolen property

28.(1) A precious metals dealer or a second hand metals dealer may receive notice from a member of the Police Force or by advertisement in the *Official Gazette* that a precious metal or second hand metal has been stolen or fraudulently obtained.

(2) Where a precious metals dealer or a second hand metals dealer receives notice in accordance with subsection (1) and fails to inform a member of the Police Force that

- (a) he possesses a precious metal or a second hand metal that is of like description stated in the notice; or
- (b) a precious metal or second hand metal that is of like description stated in the notice was offered to him and of the person who made him the offer,

that person is guilty of an offence.

- (3) Where a precious metals dealer or a second hand metals dealer is convicted of an offence under subsection (2), he is liable on indictment to a fine of
- (a) \$50 000 or to imprisonment for 10 years or to both where the precious metals dealer or a second hand metals dealer, as the case may be, is an individual;
 - (b) \$50 000 where the precious metals dealer or the second hand metals dealer, as the case may be, is a company.

PART V
MISCELLANEOUS

Minimum weights

29.(1) A second hand dealer shall not purchase, receive or bargain for less weight of a second hand metal than the quantity set out opposite each second hand metal stated in the first column of the *Third Schedule* at any one time.

- (2) Where a second hand dealer contravenes subsection (1), he is guilty of an offence and is liable on summary conviction to a fine of
- (a) \$10 000 or imprisonment for 2 years or to both where the second hand dealer is an individual;
 - (b) \$10 000 where the second hand dealer is a company.

Revocation and suspension of precious metals dealer licence and second hand metals dealer licence

30.(1) Where a precious metals dealer or a second hand metals dealer is convicted of an offence under this Act, a court may order that the licence of the precious metals dealer or the second hand metals dealer, as the case may be, issued under this Act be revoked or suspended.

(2) Where a court makes an Order of revocation or suspension of a licence in accordance with subsection (1), the court shall

(a) cause a notice of the revocation or suspension of the licence to be published in the *Official Gazette* and in at least one daily newspaper circulated in Barbados;

(b) immediately forward to the Commissioner a copy of the Order.

(3) Subject to subsection (2)(b), the Commissioner shall

(a) retain the copy of the Order as part of the records of the precious metals register or second hand metals register, as the case may be; and

(b) immediately cause a notation to be made in the precious metals register or second hand metals register, as the case may be, of the Order.

Repeal of Cap. 183

31. The *Old Metals Dealers Act, Cap. 183* is repealed.

Repeal of Cap. 150

32. The *Sale of Old Metals Act, Cap. 150* is repealed.

FIRST SCHEDULE

LICENCES

(Section 7(3))



BARBADOS

FORM A

PRECIOUS METALS DEALER LICENCE

Precious Metals and Second Hand Metals Act, 2013
(Act 2013-)

_____ situate at _____ is authorised and
licenced to be a Precious Metals Dealer in accordance with section 7(3) of
the *Precious Metals and Second Hand Metals Act, 2013* from the
_____ of _____ 20 _____ to the
_____ of _____ 20 _____ .

Dated at _____ this _____ day of _____ 20 _____ .

Magistrate



BARBADOS

FORM B

SECOND HAND METALS DEALER LICENCE

Precious Metals and Second Hand Metals Act, 2013
(Act 2013-)

_____ situate at _____ is authorised and licenced to be a Second Hand Metals Dealer in accordance with section 7(3) of the *Precious Metals and Second Hand Metals Act, 2013* from the _____ of _____ 20 _____ to the _____ of _____ 20 _____ .

Dated at _____ this _____ day of _____ 20 _____ .

Magistrate

SECOND SCHEDULE

PURCHASES, SALES AND TRADE FORMS

(Section 19(2)(b))

FORM C

Entry of Sales of Precious Metal

Place, Date and Time of Sale of Precious Metal	Name of Person to whom Precious Metal was Sold	Address of Person to whom Precious Metal was Sold	Description and Details of Person	Description and Quantity of Precious Metal Sold	Sum of Money Exchanged in Relation to the Sale of the Precious Metal

FORM D

Entry of Sales of Second Hand Metal

Place, Date and Time of Sale of Second Hand Metal	Name of Person to whom Second Hand Metal was Sold	Address of Person to whom Second Hand Metal was Sold	Description and Details of Person	Description and Quantity of Second Hand Metal Sold	Sum of Money Exchanged in Relation to the Sale of the Second Hand Metal

FORM E

Entry of Purchases and Receipt of Precious Metal

Place, Date and Time of Purchase and Receipt of Precious Metal	Name of Person from whom Precious Metal was Purchased and Received	Address of Person from whom Precious Metal was Purchased and Received	Description and Details of Person	Description and Quantity of Precious Metal Purchased and Received	Sum of Money and Name Stated on Cheque Exchanged in Relation to Purchase and Receipt of Precious Metal

FORM F

Entry of Purchases and Receipt of Second Hand Metal

Place, Date and Time of Purchase and Receipt of Second Hand Metal	Name of Person from whom Second Hand Metal was Purchased and Received	Address of Person from whom Second Hand Metal was Purchased and Received	Description and Details of Person	Description and Quantity of Second Hand Metal Purchased and Received	Sum of Money and Name Stated on Cheque Exchanged in Relation to Purchase and Receipt of Second Hand Metal

FORM G

Entry of Trade and Receipt of Precious Metal

Place, Date and Time of Trade for Receipt of Precious Metal	Name of Person from whom Precious Metal was Received	Address of Person from whom Precious Metal was Received	Description and Details of Person	Description and Quantity of Precious Metal Received	Description of Property Exchanged for Precious Metal Received

FORM H

Entry of Trade of Second Hand Metal

Place, Date and Time of Trade of Second Hand Metal to Person	Name of Person with whom the Trade of Second Hand Metal was Conducted	Address of Person with whom the Trade of Second Hand Metal was Conducted	Description and Details of Person	Description and Quantity of Second Hand Metal Traded	Description of Property Received for the Trade of Second Hand Metal

THIRD SCHEDULE

(Section 29(1))

WEIGHTS

List of Metals	Quantities of not less than
Lead, or any composite the principal ingredient of which is lead	56 lbs.
Copper, or any composite the principal ingredient of which is copper	10 lbs.
Brass, or any composite the principal ingredient of which is brass	10 lbs.
Tin, or any composite the principal ingredient of which is tin	10 lbs.
Pewter, or any composite the principal ingredient of which is pewter	10 lbs.
German silver or spelter, or any composite the principal ingredient of which is German silver or spelter	1 lb.