



New South Wales

Pawnbrokers and Second-hand Dealers Amendment (Offences) Regulation 1997

under the

Pawnbrokers and Second-hand Dealers Act 1996

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Pawnbrokers and Second-hand Dealers Act 1996*.

FAYE LO PO' M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to amend the *Pawnbrokers and Second-hand Dealers Regulation 1997* to prescribe expressions referring to each of the offences under the *Pawnbrokers and Second-hand Dealers Act 1996* that may be dealt with by penalty notice. In accordance with section 145B of the *Justices Act 1902*, a statement or description of an offence by means of the prescribed expression is sufficient for the purposes of legal process (including penalty notices).

This Regulation is made under sections 26 and 27 of the *Pawnbrokers and Second-hand Dealers Act 1996*, and by virtue of section 145B (3) of the *Justices Act 1902*.

Pawnbrokers and Second-hand Dealers Amendment (Offences) Regulation 1997

1 Name of Regulation

This Regulation is the *Pawnbrokers and Second-hand Dealers Amendment (Offences) Regulation 1997*.

2 Amendment of Pawnbrokers and Second-hand Dealers Regulation 1997

The *Pawnbrokers and Second-hand Dealers Regulation 1997* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 21

Omit the clause. Insert instead:

21 Penalty notices, demerit points and short descriptions of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 is:
 - (a) the expression specified in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) Each offence created by a provision specified in Column 1 of Schedule 2 is a prescribed offence for the purposes of sections 26 and 27 of the Act.
- (3) The penalty specified in Column 3 of Schedule 2 opposite the prescribed expression for an offence is the amount of penalty prescribed for the offence if dealt with under section 26 of the Act.
- (4) The number of demerit points specified in Column 4 of Schedule 2 opposite the prescribed expression for an offence is the number of demerit points prescribed for the purposes of section 27 (2) of the Act in respect of the offence.
- (5) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

1997 No 271

Pawnbrokers and Second-hand Dealers Amendment (Offences) Regulation 1997

Schedule 1 Amendments

- (6) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (7) Subclause (6) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

[2] Schedule 2

Insert after Schedule 1:

Schedule 2 Penalty notices, demerit points and short descriptions of offences

(Clause 21)

Column 1	Column 2	Column 3	Column 4
Provision of Act	Short description of offence	Penalty if dealt with by penalty notice (in dollars)	Number of demerit points
Section 12 (2)	Not notify business changes	300	2
Section 14 (1)	Licence particulars not displayed	300	1
Section 14 (2)	Licence particulars not displayed (itinerant)	300	1
Section 16 (6)	Record not signed	300	2
Section 17	Requirement not complied with (sec. 17)	300	2
Section 19	Not inform of suspicious goods	500	2
Section 20	Goods not opened	300	2
Section 21 (1) (a)	Goods not retained at prescribed premises	500	2

1997 No 271

Pawnbrokers and Secondhand Dealers Amendment (Offences) Regulation 1997

Amendments

Schedule 1

Column 1 Provision of Act	Column 2 Short description of offence	Column 3 Penalty if dealt with by penalty notice (in dollars)	Column 4 Number of demerit points
Section 21 (1) (b)	Form of goods altered	500	2
Section 21 (1) (b)	Redemption of goods contrary to sec. 21	500	2
Section 21 (1) (b)	Part with goods	500	2
Section 21 (4)	Notice not complied with (sec. 21)	500	2
Section 24	Falsestatement	300	2
Section 25	Obstructing officer	300	2
Section 28 (1)	Pledge not recorded as prescribed	500	2
Section 28 (4)	Pledge record not retained	500	2
Section 28 (5)	Record not supplied to pledgor	500	2
Section 28 (6)	Pledge record not supplied to police	500	2
Section 29 (5)	Goods sold before time	300	2
Section 29 (6)	Redemption without proper ID	300	2
Section 29 (6)	Redemption contrary to regulations	300	2
Section 30 (2)	Goods sold contrary to sec. 30	300	2
Section 30 (2)	Sale permitted contrary to sec. 30	300	2
Section 31	Surplus proceeds of pledge sale not paid	300	2
Section 32	Goodspurchased contrary to sec. 32	300	2
Section 37	Fail to surrender licence	100	Nil