

Malawi

## Second-hand and Scrap Metal Dealers Act

Chapter 50:06

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## Second-hand and Scrap Metal Dealers Act

### Chapter 50:06

Commenced on 12 March 1973

*[This is the version of this document at 31 December 2014.]*

*[Note: This version of the Act was revised and consolidated in the Forth Revised Edition of the Laws of Malawi (L.R.O. 1/2015), by the Solicitor General and Secretary for Justice under the authority of the Revision of the Laws Act.]*

#### An Act to provide for the registration of dealers in second-hand goods and scrap metal and for matters incidental thereto and connected therewith

##### 1. Short title

This Act may be cited as the Second-hand and Scrap Metal Dealers Act.

##### 2. Interpretation

In this Act unless the context otherwise requires—

**"article"** in relation to second-hand goods, means any item of second-hand goods, and in relation to scrap metal means anything consisting wholly or partly of metal and includes any part of such item or thing;

**"to buy"** means to obtain by way of purchase, barter or exchange, and cognate words shall be construed accordingly;

**"dealer"** means a second-hand dealer or a scrap metal dealer;

**"goods"** means any tangible movable property entirely or partly manufactured, cast, wrought, woven or fashioned out of or on any metal, precious metal, cloth, paper, glass, clay, wood, plastic or other material, and includes motor vehicles, machinery, tools, works of art and printed and photographic reproductions of paintings, photographs, and recorded reproductions of speech or music;

**"metal"** means aluminium, cobalt, copper, iron, lead, manganese, vanadium, cadmium, tungsten, zinc, all other ferrous and nonferrous metals and alloys of these metals but does not include precious metals except to the extent that one tenth of one *per centum* or less of the weight of such an alloy as aforesaid is attributable to any precious metal;

**"precious metal"** means gold, silver and platinum;

**"premises"** includes any land whether enclosed or unenclosed and whether consisting of land and buildings or otherwise;

**"register"** means the register of second-hand and scrap metal dealers kept by the registering authority as provided by section 4 (2);

**"registered dealer"** means a dealer registered pursuant to section 4;

**"registering authority"** means the Commissioner of Police;

**"re-possessed goods"** means any goods which, under the terms of a hire-purchase or instalment sale agreement, have been re-possessed by the seller thereof from the purchaser;

**"scrap metal"** includes—

(i) any old metal or broken metal;

- (ii) any broken, worn out or defaced or manufactured, or partly manufactured, processed or wrought articles which are not fit for the purpose for which they were manufactured, processed or wrought or which are no longer so required;
- (iii) metallic waste;
- (iv) any metal, occurring as a mineral in a raw or natural state, in quantities of less than one thousand pounds in weight, except when utilized *bona fide* as raw metal geological specimens;

**“scrap metal dealer”** means any person who carries on a trade or business which consists wholly or partly of buying and selling scrap metal, whether the scrap metal sold is in the form in which it was bought or otherwise, and includes any person who, from a person other than a scrap metal dealer, buys or acquires scrap metal for further processing or for the manufacture of other things or for export, but does not include any person engaged in mining who in the course of his mining business buys or sells scrap metal from or to another such person;

**“second-hand goods”** means any goods which have been bought or delivered or are possessed for sale after use by a previous owner, and includes goods received by any person from their previous owner in partial or full consideration for any contract, or by way of deposit or part deposit in respect of any hire-purchase or instalment sale agreement, but does not include re-possessed goods so long as the said goods remain in the possession of the seller thereof.

### 3. Appointment of registering authority

- (1) There shall be a registering authority who shall be the Commissioner of Police and who shall, subject to the general or special directions of the Minister, be responsible for the administration of this Act.
- (2) The registering authority may designate a police officer of the rank of superintendent or of any higher rank as registrar for the purposes of this Act.
- (3) The police officer in charge of each District shall be *ex officio* assistant registrar for the purposes of this Act.
- (4) The registering authority may, subject to the general or special directions of the Minister, delegate any of his powers or functions under this Act to any police officer or public officer.

### 4. Registration of dealers

- (1) On and after the date of commencement of this Act, no person shall carry on the business of a second-hand dealer or scrap metal dealer without being registered as such under this Act.
- (2) The registering authority shall keep a register in the prescribed form for the purposes of this Act.
- (3) An application for registration under this Act or for a renewal thereof shall be made, in the prescribed manner and at the prescribed time, to the registering authority and may be granted or refused at the discretion of that authority.
- (4) Where an application for registration is made under this Act in respect of a partnership firm, the partners shall nominate one member of the firm who shall, upon the application being granted by the registering authority, be registered as the registered dealer in respect of the said partnership business.
- (5) Every application for registration or for a renewal thereof shall be accompanied with the appropriate prescribed fee.
- (6) Registration under this Act shall be effective from the date of its entry in the register by the registering authority and shall determine on the 1st January following unless sooner revoked or cancelled.