

eSwatini

## Pawnbroking Act, 1894

Act 13 of 1894

Legislation as at 1 December 1998

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## Pawnbroking Act, 1894

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## eSwatini

# Pawnbroking Act, 1894

## Act 13 of 1894

Commenced on 25 July 1894

*[This is the version of this document at 1 December 1998.]*

**An Act to make rules and regulations with regard to pawnbrokers.**

### 1. Short title

This Act may be cited as the Pawnbroking Act, 1894.

### 2. Licences

A person desirous of carrying on business as a pawnbroker within Swaziland shall take out a licence at the office of the Regional Administrator, or other official appointed for the purpose, within whose district he resides, and shall pay therefor the fees specified in the Schedule.

### 3. Refusal of licence

The Regional Administrator, or other qualified official, shall have the right to refuse such licence, if he deems such refusal advisable in the interest of the region district.

### 4. Duty of pawnbroker

No person shall have the right to accept or to advance money or value on, or to pay for or to buy, any goods or property should he suspect that such articles are not the *bona fide* property of the person who offers them for pawn or sale, but he shall in suspicious cases immediately inform the proper authorities thereof.

### 5. Public sale of articles

All articles and property not released within the time agreed upon shall be sold on the public market at a date at least fourteen days after publication has been made in the *Gazette* and a newspaper circulating in the district in which the pawnbroker resides.

### 6. Licence not transferable

The pawnbroker's licence shall not be transferable, and the person in whose name the licence is issued shall in every case be liable for any contravention of this Act.

### 7. Security

Any person desirous of carrying on the business of a pawnbroker shall before the licence is issued give security to the amount of one thousand emalangeni, together with two competent sureties in possession of unmortgaged fixed property, who shall be liable in solidum, in the amount of five hundred emalangeni each.

## 8. Form of deed of security

The form of deed of security shall be more or less as follows:

### *Deed of security for pawnbrokers*

Appeared before me \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, residing at \_\_\_\_\_ who declared that he was indebted to the Government of Swaziland in the sum of one thousand emalangeni: and of \_\_\_\_\_ and of \_\_\_\_\_, who declared that they each are indebted jointly and severally *in solidum* to the Swaziland Government in the sum of five hundred emalangeni: accordingly renouncing the legal exceptions of \_\_\_\_\_ with the force of which they declared themselves to be fully acquainted, to be recovered from the goods and properties of either or both of them in case the said \_\_\_\_\_ did not fulfil the duties and obligations enjoined on him by law.

Thus done and signed at the office of \_\_\_\_\_, at \_\_\_\_\_,

This \_\_\_\_\_ day of \_\_\_\_\_, signed before me on day, date and place aforementioned.

As Witnesses:

(Signature)

Regional Administrator,

(or other authorised official).

## 9. Withdrawal of licence

The licence may be withdrawn by the Regional Administrator or qualified official respectively, in case of any contravention of this Act.

## 10. Offence and penalty

A person who contravenes this Act shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred emalangeni or in default of payment thereof to imprisonment for a period not exceeding six months.

## 11. Prohibition on acting as pawnbroker

No person will be allowed to act as pawnbroker, or to carry on that profession, without having obtained the licence mentioned in [section 2](#).

**Schedule**

	<b>E c.</b>
For twelve months	80 00
For nine months	60 00
For six months	40 00
For three months	25 00