Secondhand Dealers and Pawnbrokers Amendment Regulations 2006

Preamble

At Wellington this 16th day of October 2006

Pursuant to section 84 of the Secondhand Dealers and Pawnbrokers Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

		Page
1	Title	2
2	Commencement	2
3	Principal regulations amended	2
4	New regulation 3 substituted	2
	3 Interpretation	2
5	Heading above regulation 4 substituted	2
6	New regulations 4A and 4B inserted	2
	4A Seller of traded-in whiteware not engaged in business as secondhand dealer	2
	4B Firearms dealer not secondhand dealer	3
7	New regulation 11A inserted	3
	11A Dealers record-keeping requirements not to apply to article acquired free of charge	3
8	New regulations 12A to 12C inserted	3
	12A Dealers record-keeping requirements for article acquired from retail outlet	3
	12B Exemption from requirement to verify identity when article acquired free of charge	3

12C Exemption from requirement to verify identity when acquiring article from retailer 4

1 Title

These regulations are the Secondhand Dealers and Pawnbrokers Amendment Regulations 2006.

2 Commencement

These regulations come into force on 1 December 2006.

3 Principal regulations amended

These regulations amend the Secondhand Dealers and Pawnbrokers Regulations 2005.

4 New regulation 3 substituted

Regulation 3 is revoked and the following regulation substituted:

"**3 Interpretation**

In these regulations,—

"**Act** means the Secondhand Dealers and Pawnbrokers Act 2004

"**retail outlet** means premises from which articles, whether new or secondhand, are sold or supplied to members of the public generally; and **retailer** has a corresponding meaning."

5 Heading above regulation 4 substituted

The heading above regulation 4 is revoked and the following heading substituted: "*Persons who are not engaged in business as secondhand dealers*".

6 New regulations 4A and 4B inserted

The following regulations are inserted after regulation 4:

"**4A Seller of traded-in whiteware not engaged in business as secondhand dealer**

For the purposes of the Act, a person who acquires secondhand whiteware as a trade-in when selling new goods is not

engaged in business as a secondhand dealer when selling that whiteware.

"**4B Firearms dealer not secondhand dealer**

"(1) For the purposes of the Act, a licensed dealer is not engaged in business as a secondhand dealer when selling firearms.

"(2) In this regulation, firearm and licensed dealer have the same meanings as in section 2 of the Arms Act 1983."

7 New regulation 11A inserted

The following regulation is inserted after regulation 11:

"**11A Dealers record-keeping requirements not to apply to article acquired free of charge**

The requirements of section 42(2) of the Act in regard to the information shown in a dealers record do not apply to any article the dealer acquires free of charge."

8 New regulations 12A to 12C inserted

The following regulations are inserted after regulation 12:

"**12A Dealers record-keeping requirements for article acquired from retail outlet**

The dealers record of a dealer who, in the course of business as a secondhand dealer, acquires an article from a retail outlet need not show the information listed in section 42(2)(a) of the Act (which relates to the identity of the person from whom the article is acquired), but must show—

"(a) the name and position of the person acting in the transaction on behalf of the retailer; and

"(b) the address of the retail outlet; and

"(c) the licence number and licence holder's name, if a licence is displayed at the retail outlet.

"**12B Exemption from requirement to verify identity when article acquired free of charge**

A dealer who acquires an article free of charge need not obtain evidence of the identity of the person from whom the article is acquired.

"**12C Exemption from requirement to verify identity when acquiring article from retailer**

A dealer who, in the course of business as a secondhand dealer, acquires a secondhand article from a retail outlet need not obtain evidence of the identity of the retailer."

Diane Morcom,

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 December 2006, amend the Secondhand Dealers and Pawnbrokers Regulations 2005. They prescribe additional matters, including—

- •• further situations where persons are not engaged in business as secondhand dealers:
- •• exemptions from and additions to dealers record requirements.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 19 October 2006.