

GOLD BUYERS ORDINANCE, 1935-1936. ⁽¹⁾

An Ordinance to provide for the Issue of Licences to Buy Gold.

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. This Ordinance may be cited as the *Gold Buyers Ordinance, 1935-1936.* ⁽¹⁾

Short title.
Amended by
No. 2 of 1930,
s. 2.
Repeal and
savings.

2. *The Gold Buyers' Ordinance of 1909* is repealed: Provided however that existing licences issued pursuant to the Ordinance hereby repealed, shall remain in force until the thirty-first day of December next following the coming into operation of this Ordinance when they shall determine.

3. In this Ordinance unless the context otherwise indicates:—
 "Agent" means a gold buyer's agent for whom a permit has been granted pursuant to this Ordinance;
 "Licence" means a gold buyer's licence issued pursuant to this Ordinance;
 "Permit" means a permit to employ an agent to buy gold granted pursuant to this Ordinance.

Interpretation.

4. Upon application a Resident Magistrate or any other person who may be authorized by the Lieutenant-Governor ⁽²⁾ in this behalf may issue a licence which shall be in the form of Schedule 1 of this Ordinance.

Issue of licences.

5. The fee payable upon the issue of a licence shall be Five pounds: Provided however that upon issue of a licence at any time after the last day of June the fee payable shall only be Two pounds ten shillings.

Fees for licences.

(1) The *Gold Buyers Ordinance, 1935-1936*, comprises the *Gold Buyers Ordinance, 1935*, as amended by the other Ordinances referred to in the following Table:—

ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
<i>Gold Buyers Ordinance, 1935</i> (No. 7 of 1935)	19.7.1935	5.2.1936	19.7.1935 (<i>Ordinances etc. of Papua, 1935, p. 17</i>)
<i>Gold Buyers Ordinance, 1936</i> (No. 3 of 1936)	2.3.1936	1.7.1936	2.3.1936 (<i>Ordinances etc. of Papua, 1936, p. 5</i>)

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940*.

GOLD BUYERS—

Term of licence.

6. A licence shall remain in force until the thirty-first day of December next following the date of its issue.

Section 7
repealed by
No. 3 of 1936,
s. 2.

* * * * *

Renewal of
licence.

Substituted by
No. 3 of 1936,
s. 3.

8. The holder of a current licence shall be entitled to the issue to him of a licence in respect of the next succeeding year, unless he has been convicted of an offence against the Ordinance at any time during the currency of the existing licence.

Gold Buyer's
agent.

9.—(1.) A licensee may apply at any time to any person qualified to issue a licence for a permit to employ an agent to buy gold for him and such permit may be granted.

No licensee shall be permitted to employ more than six such agents at any one time in respect of one licence.

The name of each agent shall be endorsed upon the licence.

(2.) Upon production of a permit by the licensee and evidence to the satisfaction of a person qualified to issue a licence that the agent is no longer employed by the said licensee to buy gold for him such person may cancel the permit and thereupon the name of the agent shall be deleted from the licence and the cancellation noted upon the permit.

Term of permit
and fees.

Amended by
No. 3 of 1936,
s. 4.

10. The permit for the employment of an agent shall remain in force until the thirty-first day of December next following the date of its issue. The fee payable for the permit for each agent shall be One pound.

Form of permit
and production
thereof.

11. The permit for an agent shall be in the form of Schedule 2 of this Ordinance. An agent whilst buying gold shall carry the permit relating to him and shall at all reasonable times produce it at the request of a Magistrate or any European police officer.

Records and
inspection
thereof.

12. Every licensee shall keep a true record of the gold bought by him in the form of and containing the particulars set out in Schedule 3 of this Ordinance. Such record shall be kept at the principal place of business in the Territory of the licensee and shall at all reasonable times be available for inspection by a Magistrate or any European police officer.

Returns.

13.—(1.) Within two months following the last day of June and December respectively the licensee shall lodge in duplicate with the nearest Resident Magistrate a true return of the gold bought by him during the six months preceding the said last day. Such return shall be in the form of and contain the particulars set out in Schedule 4 of this Ordinance.

Gold Buyers Ordinance, 1935-1936.

(2.) The Resident Magistrate upon the receipt of the return lodged as aforesaid shall retain the duplicate copy in his records and without undue delay forward the original to the Director of Mines.

14. Except as provided in this Ordinance any person who buys gold without a licence or any person who employs an agent to buy gold without a permit shall upon summary conviction be liable to a fine not exceeding Fifty pounds or in the alternative to imprisonment not exceeding six months. Offences.

15. Any person who contravenes any provision of this Ordinance shall be guilty of an offence against this Ordinance and shall when no specified punishment is provided be liable upon summary conviction to a fine not exceeding Twenty-five pounds or in the alternative to imprisonment for any period not exceeding three months. Penalties.

16. In all proceedings against any person for buying gold without a licence such person shall for all purposes connected with those proceedings be deemed unlicensed unless he produces his licence or furnishes other satisfactory proof to the contrary. Proof.

17. In all proceedings against a licensee for employing an agent to buy gold without a permit the agent so employed shall for all purposes connected with those proceedings be deemed to be a person for whom a permit has not been granted pursuant to this Ordinance until the licensee shows by satisfactory proof to the contrary. Proof.

SCHEDULE 1.

GOLD BUYERS LICENCE.

Gold Buyers Ordinance, 1935-1936.

Substituted by
No. 3 of 1936,
s. 5.

No. _____, of _____ is licensed to buy gold from
the _____ day of _____, until the thirty-first
day of December next following and to employ the following agents (not being
more than six):
Dated this _____ day of _____, 19 ____
Resident Magistrate or other officer qualified to issue.

NOTE: Fee £5.
£2 10s. when issued after the last day of June.

SCHEDULE 2.

PERMIT.

Gold Buyers Ordinance, 1935-1936.

Substituted by
No. 3 of 1936,
s. 6.

No. _____, of _____ being the holder of licence
has permission to employ the bearer
of _____, to buy gold for him.
This permit shall be in force from the _____ day of _____
, until the thirty-first day of December next following.

GOLD BUYERS—

Dated this _____ day of _____, 19 .
 Resident Magistrate or other person qualified to issue licences.

NOTE: Fee £1.

This permit must be carried by the agent whilst buying gold and be produced at all reasonable times at the request of any Magistrate or European police officer.

SCHEDULE 3.

RECORD.

Gold Buyers Ordinance, 1935.

Date.	Amount bought from natives and value.	Amount bought from other than natives and value.

SCHEDULE 4.

RETURN.

Gold Buyers Ordinance, 1935.

Licensee.	No. of Licence.	Gold bought from natives during six months preceding and value.

Dated this _____ day of _____, 19 .
Licensee.