

CHAPTER 99

PAWNBROKERS

Ordinance
No. 13 of 1942,
Ads
Nos. 2 of 1953,
55 of 1956,
11 of 1963,
Law
No. 23 of 1973.

AN ORDINANCE TO PROVIDE FOR THE REGULATION OF THE BUSINESS OF PAWNBROKERS AND FOR OTHER MATTERS INCIDENTAL TO OR CONNECTED WITH SUCH REGULATION.

[24th April, 1942.]

PART I

GENERAL

Short title.

1. This Ordinance may be cited as the Pawnbrokers Ordinance.

Date of operation and application of Ordinance.

2. (1) On the appointed date this Ordinance shall come into operation in the provinces, districts, towns and places specified in the First Schedule.

(2) It shall be lawful for the Minister, by Order published in the Gazette—

(a) to bring any province, district, town or place not specified in the First Schedule within the operation of this Ordinance; or

(b) to amend or vary the First Schedule.

PART II

DUTIES OF PAWNBROKERS

Certain persons prohibited, from carrying on the business of a pawnbroker. [§47, 11 of 1963.]

2A. On or after the first day of January, 1964, no person shall carry on the business of a pawnbroker if such person—

(i) is an individual who is not a citizen of Sri Lanka; or

(ii) is a foreign company; or

(in) is a foreign firm,

and accordingly any licence to carry on such business which was issued to any such individual, foreign company or foreign firm

and was in force on the day immediately prior to the said first day of January shall, on and after the said first day of January, be deemed, for all purposes, to be null and void.

3. (1) No person shall carry on the business of a pawnbroker unless he is the holder of a licence issued in that behalf by the Government Agent,

Pawnbroker's licence.

(2) Every licence issued under this section shall be in the Form A set out in the Second Schedule.

[§2, Law 23 of 1973-]

(3) Every licence shall be dated on the day of which it is issued, and shall expire on the thirty-first day of July next ensuing.

3A. The holder of a licence issued under section 3 shall not transfer the business to which such licence relates to any other person without the prior approval in writing of the Government Agent, and a transfer of such business without such prior approval shall be for all purposes null and void.

Transfer of business without prior approval of Government Agent to be void. [§3, Law 23 of 1973.]

4. The Government Agent shall forward a copy of each licence issued under section 3 to the Superintendent of Police of the district within which the business to which such licence relates, is carried on.

Copies of licence to be sent to Superintendents of Police. [§4, Law 23 of 1973.]

5. (1) Every person desirous of obtaining a licence for carrying on the business of a pawnbroker shall make application in that behalf to the Government Agent,

Application for licence.

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[§5, Law 23 of 1973.]

(2) Every application for a licence shall be accompanied by a licence fee of one thousand rupees.

during any period preceding such application, and in relation to his business as a pawnbroker, dealt in practices which are contrary to the spirit and the purposes of the provisions of this Ordinance.

Persons entitled to a licence.

6. No person shall be entitled to a licence for carrying on the business of a pawnbroker unless he produces to the Government Agent satisfactory evidence of good character.

9. No licence for carrying on the business of a pawnbroker shall be issued to any person who is an auctioneer. Auctioneers not entitled to licence.

[§2, 55 of 1956.]

Issue of licences to certain persons prohibited. [§47, 11 of 1963.]

7. On or after the first day of January, 1964, no licence for carrying on the business of a pawnbroker shall be issued to any person who is prohibited from carrying on such business by virtue of the operation of the provisions of section 2A, and accordingly any such licence issued to any such person, whether by inadvertence or otherwise, shall be deemed, for all purposes, to be null and void.

9A. No licence for carrying on the business of a pawnbroker shall be issued to any person unless he furnishes security in cash in the prescribed amount. Security to be furnished before licence is issued. E§ 4, 55 of 1956.]

10. Every pawnbroker who intends to be absent from Sri Lanka for any period exceeding three months shall— Notice of pawnbroker's absence from Sri Lanka.

Refusal of licence.

8. (I) No licence for carrying on the business of a pawnbroker shall be issued to any person if—

(a) give written notice of his intention to the Government Agent; and

(b) appoint a person (being a person entitled under this Ordinance to a licence for carrying on the business of a pawnbroker) to act for him and on his behalf during his absence from Sri Lanka, and give to the Government Agent written notice of the name of the person so appointed.

(a) at any time during the five years immediately preceding the date on which he makes his application for such licence, he has been found guilty of any act rendered punishable under Chapters XI, XIII, XVII or XVIII of the Penal Code, or under the provisions of this Ordinance; or

It. No pawnbroker shall take any Hours of article on pawn before 8 a.m. or after 8 p.m. business. on any day.

(b) in the opinion of the Government Agent, the shop or place in which that person intends to carry on the business of pawnbroker, or any adjacent house or place possessed by him, is frequented by thieves or persons of bad character, or is used for the sale of intoxicating liquor, opium, or the preparations of the hemp plant commonly known as bhang, hashish or ganja; or

12. No pawnbroker shall act as or carry on the business of an auctioneer. Pawnbroker not to act as auctioneer.

13. Every pawnbroker shall— Notices, &c., to be exhibited by pawnbrokers. (a) always keep exhibited in large characters over the outer door of his shop or place of business his name with the word " Pawnbroker " in Sinhala, Tamil and English ; and

(c) a licence issued to him under this Ordinance has been cancelled under section 42.

(b) always keep exhibited in a conspicuous part of his shop or place of business so as to be clearly visible to and legible by every person resorting thereto a notice containing in Sinhala, Tamil and English the particulars set out in the Third Schedule.

[§6, Law 23 of 1973.]

(2) Where the holder of a licence issued under section 3 makes an application for a renewal of such licence, the Government Agent may refuse to renew such licence, if he is of the opinion that such holder has,

Language to be used in entering particulars.

14. Where any particulars are required by this Ordinance to be entered in any book, form or document, such particulars shall be entered in Sinhala, Tamil or English.

pledge, nothing in the preceding provisions of this section shall be deemed to prohibit the pawnbrokers from recovering such tax from the pawner,

Books to be kept by pawnbrokers.

15. Every pawnbroker shall keep and use in his business a pledge book in the form B and a sale book of pledges in the form C set out in the Second Schedule, and shall from time to time, as occasion demands, enter therein in a fair and legible manner all the particulars for the recording of which provision is made in such forms, and shall make all inquiries necessary for that purpose.

In this section "pledge" includes a pledge which has been pawned and which has not been redeemed before the appointed date.

PART III
PLEDGES

Pawn tickets.

16. (1) Every pawn ticket shall be executed in foil and counterfoil in the form D set out in the Second Schedule and in accordance with the directions contained in that form.

18. Every pledge shall be redeemable within a period of twelve months (hereinafter in this Ordinance referred to as the "period of redemption") from the day of pawning, exclusive of that day.

Pledges redeemable within one year.

[§7, Law 23 of 1973.]

(2) The particulars in the Third Schedule shall be printed legibly in Sinhala, Tamil and English on the back of the foil of every pawn ticket.

19. Notwithstanding anything in this Ordinance to the contrary, every pledge shall continue to be redeemable until it is disposed of as in this Ordinance provided, although the period of redemption has expired.

Pledges to continue to be redeemable until sale.

(3) Where a pledge is pawned for hundred rupees or over, the foil of the pawn ticket relating to that pledge shall bear a stamp of the value of twenty-five cents. The expense for providing such stamp shall be borne by the pawnbroker.

20. (1) The pawner shall be entitled to redeem a pledge if he surrenders to the pawnbroker the foil of the pawn ticket relating to that pledge and signs the foil in the presence of the pawnbroker or his agent or servant.

Procedure for redemption of a pledge.

(4) No article shall be or be deemed to be taken in pawn unless and until—

- (a) the pawner has signed the counterfoil of the pawn ticket;
(b) the pawnbroker has signed the foil of the pawn ticket and has given the foil to the pawner ; and
(c) the pawner has received and accepted the foil of the pawn ticket from the pawnbroker.

(2) A person other than the pawner shall be entitled to redeem a pledge if such person surrenders to the pawnbroker the foil of the pawn ticket relating to that pledge duly endorsed with the signature of the pawner and if such person signs that foil in the presence of the pawnbroker or his agent or servant.

(3) Where by reason of the death or legal disability of the pawner, the holder of the foil of the pawn ticket relating to that pledge (hereinafter in this section referred to as the "holder") claims to be entitled to redeem that pledge but is unable to surrender to the pawnbroker the foil of the pawn ticket duly endorsed with the signature of the pawner, the pawnbroker shall permit the pledge to be redeemed if such holder surrenders to him the foil of the pawn ticket relating to that pledge together with a declaration in the form E set out in the Second Schedule, duly made before a Justice of the Peace by such holder and by the person identifying him.

Rate of interest. [§7, Law 23 of 1973]

17. No pawnbroker shall, in respect of a loan on a pledge, charge interest at a rate exceeding the rates specified in the Third Schedule:

Provided that where business turnover tax is payable in respect of a loan given on a

[§ 9, Law 23 of 1973.]

(4) Subject to the provisions of subsections (1), (2) and (3), the pawnbroker shall, on payment of the loan, the interest due thereon, and the business turnover tax, if any, payable in respect of such loan, deliver the pledge to the pawner or holder, as the case may be, who produces the foil of the pawn ticket relating to that pledge ; and the pawnbroker is hereby indemnified in respect of such delivery of the pledge ;

Provided, however, that if the pawnbroker has reason to suspect that such holder has sold or otherwise illegally obtained possession of the pawn ticket, the pawnbroker may seize and detain the person and the ticket and deliver them as soon as may be to an officer of police or grama seva niladhari, who shall forthwith convey the person and the ticket before a court of competent jurisdiction to be dealt with according to law.

Compensation for depreciation of pledge.

21. If a person entitled and offering to redeem a pledge shows to the satisfaction of a civil court of competent jurisdiction that the pledge has become, or has been rendered, of less value than it was at the time of the pawning thereof, by or through the default, neglect, or wilful misbehaviour of the pawnbroker, the court may, if it thinks fit, award a reasonable satisfaction to the owner of the pledge, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker in such manner as the court directs.

Protection of owners and of pawners not having pawn tickets.

22. (1) Any person claiming to be the owner of a pledge, but not holding the foil of the pawn ticket, or any person claiming to be entitled to hold the foil of the pawn ticket, but alleging that the foil of such ticket has been lost, stolen, mislaid, destroyed, or fraudulently obtained from him, may deliver to the pawnbroker a declaration in the form F set out in the Second Schedule, duly made before a Justice of the Peace by himself and by the person identifying him, and shall thereupon have, as between himself and the pawnbroker, all the same rights and remedies as if he produced the foil of the pawn ticket:

Provided that for the purpose of redeeming a pledge he shall sign the

counterfoil of the pawn ticket and not the foil thereof as required by section 20.

(2) The pawnbroker is hereby indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or false in any material particular.

23. (1) Where the foil of a pawn ticket is surrendered to the pawnbroker for the purpose of redeeming a pledge, the pawnbroker shall retain in his possession the foil and counterfoil of that pawn ticket for a period of twelve months reckoned from the date of the redemption of that pledge.

Pawn tickets to be retained by pawnbroker after redemption or sale of pledge.

(2) Where a pledge is redeemed without the surrender of the foil of the pawn ticket relating to that pledge, a pawnbroker shall retain in his possession for a period of twelve months reckoned from the date of the redemption of that pledge the counterfoil of the pawn ticket relating to that pledge and the declaration delivered to him under section 22 for the purpose of such redemption.

(3) Where a pledge is sold under the provisions of this Ordinance, the pawnbroker shall retain in his possession the counterfoil of the pawn ticket relating to that pledge for a period of twelve months reckoned from the date of sale.

23A. (1) Where in any prescribed circumstance any pledge is lost while in pawn with any pawnbroker, the security furnished by such pawnbroker shall be applied in the prescribed manner to the payment of compensation to the pawner or to any other person entitled to redeem such pledge.

Application and return of security furnished by pawnbrokers. [§ 5, 55 of 1956.]

(2) Where a person ceases to carry on the business of a pawnbroker, the amount of the security furnished by him less any sum applied therefrom to the payment of such compensation as is referred to in subsection (1) shall be returned to him.

24. (1) Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable, on demand, within the period of redemption, to pay the value of the pledge, after deducting

Liability of pawnbroker in case of fire. [§ 10, Law 23 of 1973.]

the amount of the loan and interest, and business turnover tax, if any, payable in respect of such loan.

(2) Every pawnbroker shall have his business insured to the full extent of the value of the articles pawned with him.

Receipt of pawnbroker. [§11, Law 23 of 1973.]

25. Every pawnbroker shall, at the time of redemption of the pledge, give a receipt for the amount of loan and interest paid to him and the business turnover tax, if any, recovered by him and preserve a copy of such receipt with the pledge book. Such receipt shall be in the Form G set out in the Second Schedule and shall not be liable to stamp duty unless the interest and business turnover tax, if any, amounts to one hundred rupees or more.

Pledges to be sold by auction.

26. (1) Every pledge which is not redeemed within the period of redemption may be disposed of by sale by public auction but shall not be disposed of otherwise, and the regulations in the Fourth Schedule shall be observed with reference to the sale.

[§ 12, Law 23 of 1973.]

(2) Where a pledge is to be sold by public auction under the preceding provisions of this section, the pawnbroker with whom such pledge had been pawned, shall give at least fourteen days' notice in writing to the Government Agent, of the date and time fixed for such sale, and the place at which such sale is to be held.

Notice of sale.

27. The pawnbroker shall give to every pawner whose pledge is to be sold under this Ordinance at least fourteen days' notice of the date fixed for the sale of his pledge by public auction and of the place at which the sale is to be held.

Procedure at sale of pledge for more than the amount of the loan, interest and business turnover tax. [§13, Law 23 of 1973.]

28. In every case where a pledge is sold under this Ordinance for more than the amount of the loan and interest due on the date of the sale and the business turnover tax, if any, payable in respect of such loan, the pawnbroker shall—

- (a) forthwith give to the pawner of that pledge notice of the amount for which the pledge was sold and of the amount lying to the credit of the pawner after deducting the

necessary costs and charges of the sale ; and

- (b) on demand made within one year from the date of such sale pay to the holder of the pawn ticket relating to that pledge the amount lying to the credit of the pawner ; and

- (c) if no such demand is made within the said period of one year, forthwith on the expiry of the said period, deposit the amount lying to the credit of the pawner in the nearest kachcheri to the credit of the pawner.

29. Where, at any time before the appointed date, any pledge pawned for above five rupees has been sold under the law then in force for more than the amount of the loan and interest due at the time of the sale, and no demand for the amount lying to the credit of the pawner is made to the pawnbroker by the holder of the pawn ticket relating to that pledge within one year after the date of such sale, then in every case where the said period of one year expires on or after the appointed date, the pawnbroker shall, forthwith on the expiry of the said period, deposit such amount in the nearest kachcheri to the credit of the pawner.

Procedure on sale of pledge before the appointed date for more than the amount due and interest.

30. Every notice under section 27 or section 28 shall be sent by registered post to the pawner at the address entered in the pledge book and the cost of registration shall be borne by the pawner and every notice under section 26 (2) shall be sent by registered post.

Method of giving notice under sections 26, 27 and 28. [§ 14, Law 23 of 1973.]

31. A pawnbroker may bid for and purchase at a sale by auction made or purporting to be made under this Ordinance, a pledge pawned with him ; and on such purchase he shall be deemed to be the absolute owner of the pledge purchased.

Purchase of pledges by pawnbroker.

PART IV

INSPECTION, EXAMINATION AND SEIZURE

32. At any time within two years from the date on which a pledge is sold under this Ordinance, the holder of the pawn ticket may

Power to inspect sale books

inspect the entry of the sale in the pawnbroker's book and in the filled-up catalogue of the auction authenticated by the signature of the auctioneer, or in either of them ; and the pawnbroker shall permit the holder of the pawn ticket to inspect the entry of the sale in such book and catalogue or in either of them.

Proceedings where persons offering articles in pawn do not give a good account of themselves.

- 33.** Where any person—
- (a) offers to a pawnbroker an article by way of pawn, but refuses or is unable to give a satisfactory account of the means by which he became possessed of it; or
 - (b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article ; or
 - (c) attempts or endeavours to redeem a pledge, not being entitled to redeem; or
 - (d) offers to a pawnbroker an article by way of pawn and the pawnbroker has reason to suspect that it has been stolen or otherwise illegally obtained,

the pawnbroker may seize and detain the person and the article and deliver them, as soon as may be, into the custody of an officer of police or grama seva niladhari, who shall forthwith convey the person and the article before a court of competent jurisdiction to be dealt with according to law.

34. It shall be lawful for a Magistrate, by an order served on any pawnbroker, to require such pawnbroker to attend before him on a day and hour to be specified in the order, and to produce for examination all books and papers relating to his business^ and every pawnbroker on whom any order is served under this section shall comply with the requirements of such order.

35. It shall be lawful for any officer of police not below the rank of Sub-Inspector or any public officer authorized in writing in that behalf by the Government Agent or any divisional Assistant Government Agent to enter any pawnbroker's shop or place of business or residence at any hour of the day and examine and take note of any article pledged with the pawnbroker, or any books and papers kept by him; and no person shall resist any such officer or such divisional Assistant Government Agent in the execution of his duty,

Power to search pawnbroker's shop or residence. [§6,55 of 1956.]

[§ 6, 55 of 1956.]

PART V

OFFENCES AND PENALTIES*

- 36.** Every person who—
- (a) offers to a pawnbroker an article by way of pawn but refuses or is unable to give a satisfactory account of the means by which he became possessed of it ; or
 - (b) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name and address, or as to the name and address of the owner of the article ; or
 - (c) attempts or endeavours to redeem a pledge not being a person entitled to redeem such pledge ; or
 - (d) without lawful excuse pawns with a pawnbroker anything being the property of another person ; or
 - (e) makes a declaration under this Ordinance either for himself or as identifying another, knowing such declaration to be false in any material particular ; or
 - (f) contravenes any provision of this Ordinance or fails to do anything which he is required to do by this Ordinance,

Offences by pawners and other persons.

shall be guilty of an offence.

* Primary Court has exclusive jurisdiction in respect of all offences under Part V of this Ordinance under section 33 of the Judicature Act read with Gazette Extraordinary No. 43/4 of 1979.07.02.

Offences by pawnbrokers.

- 37.** Every pawnbroker who—
- (a) takes an article in pawn from any person appearing to be under the age of sixteen years or to be intoxicated; or
 - (b) takes an article in pawn without giving the pawner the foil of the pawn ticket; or
 - (c) purchases, or takes in pawn or exchange, the foil of a pawn ticket issued by another pawnbroker; or
 - (d) employs any servant apparently under the age of twenty-one years to take articles in pawn; or
 - (e) purchases, except at a sale by public auction under this Ordinance, any pledge while in pawn with him; or
 - (f) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it; or
 - (g) agrees with any person, pawning or offering to pawn any article, to purchase, sell or dispose of such article within the period of redemption; or
 - (h) sells or otherwise disposes of any pledge pawned with him, except at such time and in such manner as is authorized by this Ordinance; or
 - (i) makes any false entry in any book required to be kept by him under this Ordinance or fails to make therein any entry which he is required to make by this Ordinance; or
 - (j) seizes or detains any person under the provisions of section 20 or section 33 without reasonable or probable cause; or
 - (fc) fails to have his business insured to the full extent of the value of all the articles pawned with him; or
 - (/) contravenes any provision of this Ordinance or fails to do anything which he is required to do by this Ordinance,

[§15. Law 23 of 1973.]

shall be guilty of an offence.

38. Every pawnbroker who knowingly takes in pawn any linen or apparel, or unfinished goods or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish, or make up, shall be guilty of an offence ; and where any court convicts any pawnbroker of an offence under this section the court may, in addition to any other punishment which it may impose for that offence, order the pawnbroker to restore the pledge to the owner thereof in the presence of the court or as the court directs.

Prohibition of taking in pawn linen, clothing, unfinished goods, &c., in certain cases.

39. Every pawnbroker who fails to deposit in the kachcheri the amount lying to the credit of a pawner as required by section 28 or section 29 shall be guilty of an offence; and where any court convicts any pawnbroker of such offence, the court may, in addition to any other punishment which it may impose for that offence, order a sum equal to such amount to be recovered from that pawnbroker as though it were a fine imposed by the court. Every such sum when recovered by the court shall be deposited in the nearest kachcheri to the credit of the pawner.

Pawnbroker failing to deposit in kachcheri money lying to the credit of a pawner.

40. Anything done or omitted to be done by the servant or agent of a pawnbroker in the course of or in relation to the business of a pawnbroker shall be deemed to be done or omitted, as the case may be, by the pawnbroker:

Offences by servant or agent of pawnbroker.

Provided that where, in the absence of a pawnbroker from his shop or place of business, anything is done or omitted to be done by any servant or agent of the pawnbroker in contravention of any provision of this Ordinance such servant or agent shall also be guilty of an offence and shall be liable on conviction to the penalty prescribed for that offence by this Ordinance,

41. Every person who is guilty of an offence under this Ordinance shall be liable to a fine not exceeding one thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.

Penalty. [§15. Law 23 of 1973.]

42. Where a pawnbroker or, in his absence, any agent or servant of the pawnbroker is convicted of any offence under this Ordinance, or of any fraud in his business, or of receiving stolen goods knowing them to be stolen, the Government Agent may after the first conviction and shall after the second, cancel the licence issued to that pawnbroker.

Articles in unlawful possession of pawnbroker.

43. Whenever, in any proceeding under this Ordinance, it is made to appear to a court that any article is in the unlawful possession of any pawnbroker, it shall be competent to such court to order the production of the article and its delivery to any person named by such court, under such terms, if any, as it may think proper.

PART VI

SUPPLEMENTARY

Sums of money deposited to pawner's credit in kachcheries.

44. A pawner to whose credit any sum of money is deposited in pursuance of the provisions of section 28, section 29 or section 39 shall be entitled to receive payment of such sum on demand made to the Government Agent within one year from the date of such deposit. If no such demand is made within the said period of one year, such sum shall, on the expiry of the said period, be credited to the Consolidated Fund.

Agents, servants, &c., of a pawnbroker-

45. Anything by this Ordinance required or authorized to be done by a pawnbroker may be done by his servant or agent.

Keepers of certain shops to be deemed pawnbrokers.

46. For the purposes of this Ordinance the following persons shall be deemed to be persons carrying on business of taking goods in pawn, that is to say, every person who keeps a shop for the purchase or sale of goods, or for taking in goods by way of security for money advanced thereon, and who purchases or receives or takes in goods and pays or advances or lends thereon any sum of money, with or under an agreement or understanding expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that those goods may be afterwards redeemed or repurchased on any terms; and every such transaction, article, payment, advance, and loan shall be deemed a pawning, pledge, and loan, respectively, within this Ordinance.

46A. (1) The Minister may make regulations for giving effect to the provisions of this Ordinance. Regulations. [§ 7, 55 of 1956.]

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may make regulations—

- (a) prescribing any matter which is required by this Ordinance to be prescribed, and
- (b) providing for any matter incidental or supplemental to the furnishing of security by pawnbrokers.

(3) No regulation made by the Minister under this section shall have effect until it is approved by Parliament and notification of such approval is published in the Gazette. Every regulation shall, upon notification of such approval in the Gazette, be as valid and effectual as if it were herein enacted.

46B. Any power, function or duty of the Government Agent under this Ordinance may be exercised or performed by any public officer who is authorized so to do by writing under the hand of the Government Agent. Delegation of powers, &c., by the Government Agent. [§ 7, 55 of 1956.]

46C. For the purposes of the issue to any person of any licence for carrying on the business of a pawnbroker, or of any prosecution instituted against any person for any offence under this Ordinance, the burden of proving that such person is a citizen of Sri Lanka, or is not a foreign company or foreign firm, shall lie on such person. Burden of proof. [§47,11 of 1963.]

47. In this Ordinance, unless the context otherwise requires— Interpretation.

" appointed date " means the 24th day of April, 1942;

" citizen of Sri Lanka " means any individual who is a citizen of Sri Lanka under any law for the time being in force relating to such citizenship; [§ 47,11 of 1963-]

" district " means administrative district;

[§47, 11 of " foreign company " means a company to 1963.] which Part XI of the Companies Ordinance* applies ;

shop " includes a dwelling house, warehouse, place of business, and any place where business is transacted •

[§47, 11 of " foreign firm " means a firm— 1963.]

(a) consisting of two partners one of whom is not a citizen of Sri Lanka, or both of whom are not such citizens ; or

(b) consisting of more than two partners at least one of whom is not a citizen of Sri Lanka ;

" sign " with its grammatical variations and cognate expressions means, in the case of a person who is unable to write his name, the impression in ink or some other suitable medium of the left thumb of that person ;

" month " means a period of thirty days for the purpose of charging profit or interest ;

" unfinished goods or materials " includes any goods of any manufacture or of any part or branch of any manufacture, either mixed or separate, or any materials whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture, or into a state for any process or operation to be performed thereupon or therewith, and before the same are completed or finished for the purpose of wear or consumption.

" pawnbroker " includes every person who carries on the business of taking goods in pawn ;

" pawner " means a person delivering an article for pawn to a pawnbroker ;

" pledge " means an article pawned with a pawnbroker ;

FIRST SCHEDULE

[Section 2]

- The Central Province.
- The Western Province.
- The Province of Uva.
- The Galle District.
- The Hambantota District.
- The JafTna District.
- The Kegalla District.
- The K-urunegala District.
- The Mannar District.
- The Matara District.
- The Puttalam and Chilaw Districts.
- The Ratnapura District.
- The area within the administrative limits of the Anuradhapura Urban Council.
- The area within the administrative limits of the Batticaloa Urban Council.
- The area within the administrative limits of the Trincomalee Urban Council.
- The area within the administrative limits of the Weligama Urban Council.
- The area within the administrative limits of the Eravur Town Council.
- The area within the administrative limits of the Kalmunai Town Council.
- The area within the administrative limits of the Mullailivu Town Council.
- The area within the administrative limits of the Vavuniya Town Council.

* Repeated and replaced by the Companies Act, No. 17 of 1982.

[Section 3.]

SECOND SCHEDULE

[§ 17, Law 23 of 1973.]

Form A

LICENCE

I,, Government Agent for District, do hereby authorize and license of to carry on the business of a pawnbroker at, within the limits of in the District, under the provisions of the Pawnbrokers Ordinance.

This licence will expire on July 31, 19

.....
Government Agent.

[Section 15.]

Form B

PLEDGE BOOK

Pledge Book of, Pawnbroker, of

No. and Date of the issue of Pawn Ticket	No. of Pledge in the Month	Amount of Loan upon each Article	Profit or Interest charged upon each Article	Name of Pawner	Address of Pawner	Name of Owner if other than Pawner	Description of each Article pawned	Weight of Article if Jewellery	Value of each Article pawned	Date of Redemption	Name and Address of Person redeeming
		Rs. c.	Rs. c.						Rs. c.		

Form C

[Section 15.]

SALE BOOK OF PLEDGES

Date and Place of Sale:

Name and Address of Auctioneer:

No. of Pledge as in Pledge Book	Date of Pawning	Name of Pawner	Amount of Loan	Amount of Interest due	Amount for which each Pledge was sold by Auctioneer	Name and Address of Purchaser
			Rs. c.	Rs. c.	Rs. c.	

Form D

[Section 16.]

PAWN TICKET

<p>Counterfoil. No.</p> <p>To be retained by Pawnbroker.</p> <p>Date:</p> <p>Name and address of pawnbroker</p> <p>I, the undersigned, of (address of pawner) have this day pawned with the aforesaid pawnbroker worth Rs. for Rs.</p> <p>Signature of pawner, or left thumb impression of pawner if unable to write his name.</p>		<p>Foil. No.</p> <p>Date:</p> <p>..... (name and address of pawner) has this day pawned with the undersigned (name and address of pawnbroker) worth Rs. for Rs.</p> <p>Signature of pawnbroker or servant or agent of pawnbroker.</p>
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[Section 20.]

Form E

DECLARATION WHERE THE FOIL OF THE PAWN TICKET IS SURRENDERED UNDER SECTION 20 WITHOUT THE SIGNATURE OF THE PAWNER ENDORSED THEREON

I, A. B.,....., of in pursuance of the Pawnbrokers Ordinance, do solemnly and sincerely declare that pledged at the shop of Pawnbroker, the article/s described below and received the foil of a pawn ticket for the same and that for the purpose of redeeming the pledge I am unable to surrender the foil of the pawn ticket to the pawnbroker with the signature of the said (pawner) duly endorsed thereon, because the said (pawner) is dead/under a legal disability, to wit (nature of legal disability).

The article/s above referred to is/are

I, C. D., in pursuance of the same Ordinance, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A. B..... of

Declared before me this day of,

Signature of A. B.....

Signature of C. D.....

Justice of the Peace.

[Section 22.)

Form F

DECLARATION WHERE THE FOIL OF THE PAWN TICKET IS LOST, Ac.

Take notice, if this declaration is false the person making it is punishable.

I, A. B. of in pursuance of the Pawnbrokers Ordinance, do solemnly and sincerely declare that pledged at the shop of Pawnbroker, the article (or articles) described below, being property, and received the pawn ticket for the same, which has since been by and that the foil of the pawn ticket has not been sold or transferred to any person by or to ..' knowledge or belief.

The article (or articles) above referred to is (or are) the following:

And I, C. D., of in pursuance of the same Ordinance do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A. B., of

Declared before me this day of,

Justice of the Peace.

[Section 25.]
[§17, Law 23
of 1973.]

Form G

RECEIPT

Date :

Received on redemption of Pledge No.

Table with 3 columns: Description, Amount, and Unit (Rs. cts.). Rows include Amount of loan, Profit or interest, and Business Turnover Tax.

Total ...

THIRD SCHEDULE

[Sections 13
and 17.]
[§18, Law 23
of 1973]

A. Rate of Interest,

The rate of interest on every rupee or a fraction of a rupee lent shall be two cents for every month or part thereof.

B. Business Turnover Tax.

Where the business turnover tax under the Business Turnover Tax Act is payable by the pawnbroker on a loan on a pledge, such tax may be recovered from the pawner.

C.—Restriction on recovery of enhanced interest:.

Where a pawnbroker is entitled to enhanced interest as from any date, such enhanced interest shall not be recoverable if the pawner shows to the satisfaction of a civil court of competent jurisdiction that he failed to redeem the pledge before such date only because the pawnbroker's shop remained closed between 8 a.m. and 8 p.m. on the day preceding that date.

If the pawn to which this ticket relates is not redeemed within a period of twelve months from the day of pawning, it is liable to be sold by public auction.

If the surplus profits, if any, from the sale are not claimed by the pawner within one year from such sale, the said profits will be placed to his credit in the kachcheri for one year.

FOURTH SCHEDULE

[Section 26.]

REGULATIONS RELATING TO AUCTIONS OF PLEDGES

1. The auctioneer shall cause all pledges to be exposed to public view.
2. He shall publish catalogues of the pledges, stating—
 - (a) the pawnbroker's name and place of business ;
 - (b) the month in which each pledge was pawned ;
 - (c) the number of each pledge as entered at the time of pawning in the pledge book.
3. The pledges of each pawnbroker in the catalogue shall be separate from any pledges of any other pawnbroker.
4. The auctioneer shall give notice of the sale by advertisements inserted in at least one Sinhala, Tamil and English newspaper and by notices displayed in places resorted to by the public in the area where the sale is to be held, and such advertisements and notices shall state—
 - (a) the pawnbroker's name and place of business; and
 - (b) the months in which the pledges were pawned.
5. The advertisement shall be inserted on two several days in the same newspaper, and the second advertisement shall be inserted at least ten clear days before the first day of sale.
6. Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale ; and the auctioneer on knocking down any article to a pawnbroker shall forthwith declare audibly the name of the pawnbroker as purchaser.
7. The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amount for which the several pledges of that pawnbroker were sold, and authenticated by the signature of the auctioneer.
8. The pawnbroker shall preserve every such catalogue for two years at least after the auction.