

## COMING INTO OPERATION OF CERTAIN PROVISIONS OF THE SECOND-HAND GOODS ACT, 2009

SARPA has received confirmation from the South African Police Services Legal Support Services that certain sections of the Second-Hand Goods Act, 2009 (Act No. 6 of 2009) have come into operation. The following provisions are now in operation:

### Definition of "controlled metal" and Schedule 2

""Controlled metal" means any metal contemplated in Schedule 2". In Schedule 2 the following metals are listed: copper, aluminium, zinc, chrome, lead, white metal, nickel, tungsten, tin, ferrovanadium, ferrosilicon, ferrochrome, brass, bronze, cobalt and precious metals as defined in the Precious Metals Act, 2005 (Act No. 27 of 2005), or any article consisting wholly or principally of any of those metals.

### Sections 16 to 20

Sections 16 to 20 of the Act deal with the accreditation of dealers' associations. The accreditation of associations is one of the preparatory steps to put the remainder of the Act into operation and is being dealt with by FLASH within the SAPS.

### Section 22(1)

*"22. (1) If a dealer suspects, or on reasonable grounds should suspect, that—*

- (a) any name, address or document furnished to the dealer is false;*
- (b) goods or goods for pawn, as the case may be, offered to such a dealer are stolen goods; or*
- (c) the appearance or aspects of an item offered to such dealer has been tampered with or there was an attempt to alter the appearance or aspects thereof in order to conceal the identity of the item,*

*such dealer must immediately report the matter to a police official on duty at the police station in whose area the dealer carries on business."*

### Section 25(4)(b) and section 25(4)(c)

"25. (4) No person may—

(a) ...

(b) *acquire or dispose of any cable consisting of controlled metal of which the cover has been burnt, unless the seller thereof is able to provide a reasonable explanation for the burnt cover, and only after the matter has been reported to a police official in the manner contemplated in section 22(1); or*

(c) *be in possession of any cable consisting of controlled metal of which the cover has been burnt, unless such person is able to provide a reasonable explanation for the burnt cover."*

This offence also carries a penalty of a fine, 10 years imprisonment or both in terms of section 32(1)(o) read with Schedule 3.