CHAPTER 216

GOLD DEALERS

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GOLD DEALERS

Ordinances Nos. 40 of 1965, 37 of 1966.

AN ACT TO PROVIDE FOR THE CONTROL OF THE PURCHASE, SALE AND POSSESSION OF RAW GOLD AND FOR THE LICENSING OF GOLD DEALERS

[16th December, 1966.]

Short title

1. This Act may be cited as the Gold Dealers Act.

Interpretation

2. In this Act, unless the context otherwise requires—
"buyer" includes a dealer and the agent of any buyer or dealer;

"gold" includes gold, gold-bullion, retorted gold, gold-ores, gold-dust, goldamalgam, gold-alloys, and precipitates, slag, concentrates, tailings and residues containing gold, but does not include coin or things manufactured of gold which on view have apparently been worked or manufacture for trade purposes;

"sale" includes exchange or pledge;

"unwrought gold" means gold in any unmanufactured form and includes amalgam, slimes, slags, blacksands, pots, battery chips, sweepings of reduction work, scrapings and by-products of unrefined gold.

Gold dealer's licences

- 3.—(1) Except as hereinafter provided, no person shall buy or sell gold unless either the buyer or the seller is the holder of a gold dealer's licence and the sale is effected at the registered place of business of the gold dealer and under his personal
- (2) Every person who commits a breach of the provisions of this section shall be guilty of an offence and shall be liable to a fine of one thousand dollars or to imprisonment for a term of two years or to both such fine and imprisonment. (Amended by 37 of 1966, s. 107.)
- (3) This Act shall not apply to the purchase of gold-bearing earth or tailings from any registered holder of a mining lease if it is proved by the buyer that the sale was effected by a contract in writing signed by or on behalf of the seller and the buyer setting forth that the earth or tailings were produced from and taken out of the ground comprised in the mining lease of which the seller is the registered holder such lease being sufficiently described in the contract.

Possession of unwrought gold

- 4. Any person who has in his possession any unwrought gold shall be guilty of an offence and shall be liable to a fine of one thousand dollars or to imprisonment for a term of two years or to both such fine and imprisonment, unless-
 - (a) he is a person exempted under the provisions of subsection (3) of section 3: or
 - (b) such unwrought gold has been won by him or his servant acting on his behalf from ground held by him under a mining tenement, or on which he is lawfully entitled to prospect; or

(c) he is possession of such gold in fulfilment of a contract of service with any person mentioned in paragraphs (a) or (b); or

- (d) he comes into possession of such gold in a lawful manner, and, in any proceeding against a person for an offence under the provisions of this section, the burden shall lie upon him of proving that he falls within one of the exceptions hereby provided. (Amended by 37 of 1966, s. 107.)
 - Application
 - 5. Application for a gold dealer's licence shall be made to the Minister.

Grantee to be a fit and proper person

6. Before granting a gold dealer's licence the Minister shall be satisfied that the applicant is a fit and proper person to hold such licence and that he has complied with the provisions of this Act and of the regulations made thereunder.

Limitation of licence

7. The Minister may in his absolute discretion grant a gold dealer's licence to any approved person or incorporated bank on payment of the prescribed fee, and every such licence shall have effect only within the area therein specified and shall be a personal licence not transferable.

Duration of licence

8. Every gold dealer's licence shall continue in force until the thirty-first day of December next following the granting thereof, but may be annually renewed on payment of the prescribed fee:

Provided that a licence may at any time be cancelled by the Minister on the licensee being convicted of any offence which, in the opinion of the Minister, renders the licensee unfit to hold a licence.

Register of gold dealers

- 9.—(1) A register of licensed gold dealers shall be kept in the office of the Minister.
- (2) The register shall contain the number of each licence and the name in full and the place of business of the licensee.
- (3) The register shall be open to public inspection without fee at all times during ordinary office hours.
- (4) Every licensee shall be struck off the register on expiration of his licence unless a renewal thereof has been previously granted.

Change of registered address

- 10.—(1) The holder of a gold dealer's licence may, on application to the Minister and on payment of the prescribed fee, change his registered place of business.
- (2) An endorsement of any such change shall be made by the Minister on the licence and on the register.

Gold dealer's book

- 11.—(1) Every licensee shall keep at his registered place of business a gold dealer's book in which, immediately after buying or selling any gold, he shall—
 - (a) make an entry in such book of the name and address of the buyer or seller as the case may be and of such other particulars as may be prescribed; and
 - (b) furnish to the Minister such particulars as to gold brought or sold as may from time to time be prescribed.
- (2) Every person who fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for a term of six months. (Amended by 37 of 1966, s. 107.)

Entries in gold dealer's book to be signed

12. Every entry in a gold dealer's book shall be signed by the person with whom the dealing is made and every person who makes a false statement therein shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for a term of six months.

(Amended by 37 of 1966, s. 107.)

Declaration when gold sent by post

13.-(1) When gold is forwarded by post to an incorporated bank licensed under the provisions of this Act, the sender shall make a declaration in the prescribed form of the name and address of the buyer and seller and of such other particulars as may be prescribed.

(2) Such declaration shall be filed in the gold dealer's book and when so filed shall be in lieu of an entry under the provisions of sections 11 and 12 and shall be

deemed a compliance therewith.

False entry in gold dealer's book

14. Every licensee who makes a false entry in a gold dealer's book shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for a term of six months.

(Amended by 37 of 1966, s. 107.)

Inspection

15.—(1) Every police officer of or above the rank of inspector and any public officer authorised in writing in that behalf by the Minister may at any time enter the place of business of the holder of a gold dealer's licence or any other place where a gold dealer's book may be and inspect the same and take extracts therefrom.

(2) Every person who refuses to produce such book or resists or impedes inspection thereof shall be guilty of an offence and shall be liable to a fine of two

hundred dollars or to imprisonment for a term of six months.

(Amended by 37 of 1966, s. 107.)

Inspectors to preserve secrecy

16.—(1) Every person making an inspection under the provisions of section 15 shall keep secret and aid in preserving secrecy with regard to all matters which may come to his knowledge in his official capacity and shall not communicate any such matter to any other person except in the performance of his duties.

(2) Every person who acts contrary to the provisions of this section shall be guilty of an offence and shall be liable to a fine of one hundred dollars or to

imprisonment for a term of six months.

(Amended by 37 of 1966, s. 107.)

Powers of search

17. Every police officer of or above the rank of inspector may-

- (a) enter at all times upon any place or works for the reception of unwrought gold, stop and search every vehicle conveying or reasonably suspected or supposed to be conveying unwrought gold, and seal, mark or otherwise secure any package found in such place, works or vehicle;
- (b) open any place, works, box or package which is locked if the keys thereof be not produced upon his demand;
- (c) examine or search every part of such place, works or vehicle for any purpose authorised by the provisions of this section and take an account of all unwrought gold found therein and, if he thinks fit, take such unwrought gold into custody;

(d) search any person whom he has good reason to believe has unwrought '

gold secreted about his person or in his possession:

Provided that a female shall not be searched by any other than a

Temporary licences

- 18.—(1) The Minister may issue to any fit and proper person a temporary licence to deal in gold in any remote locality.
- (2) Such licence shall be in force for such period not exceeding three months as the Minister thinks fit.
- (3) The provisions of this Act relating to gold dealers shall apply to the holder of a temporary licence so far as the same are applicable thereto.
- (4) The particulars of every temporary licence shall be recorded in the register of licensed gold dealers.

Gold exported to be declared

- 19.—(1) Any banker, gold dealer or other person whosoever exporting any gold, if such gold shall have been found in or procured from the soil of Fiji, shall declare the weight and value of the same at the time of export at the Customs at the port of export.
- (2) Any person failing to comply with the provisions of this section shall be guilty of an offence and shall be liable to a fine not exceeding two hundred dollars or to imprisonment for any term not exceeding six months and to forfeiture of the undeclared gold or the value thereof:

Provided that no person shall be required to make a declaration under the provisions of this section in respect of any coin of the realm or article manufactured of gold or in respect of any alluvial or specimen gold of a less value than twenty dollars. (Amended by 37 of 1966, s. 107.)

Unlicensed dealers

20. Every person who, not being a licensed gold dealer, advertises himself as a dealer in gold or in any way invites any person or persons generally to deal with him in the purchase or sale of gold shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for a term of six months.

(Amended by 37 of 1966, s. 107.)

Gold-dealings to be recorded

- 21.—(1) Every person within Fiji who receives gold exceeding the value of twenty dollars from any other person for safe keeping, transmission or otherwise howsoever as a bailee shall keep a record in writing of such transaction and shall on demand produce such record for inspection by any public officer authorised in writing by the Minister.
- (2) Every person who fails to comply with the provisions of this section shall be guilty of an offence and shall be liable to a fine of two hundred dollars or to imprisonment for a term of six months.

(Amended by 37 of 1966, s. 107.)

Regulations

- 22. The Minister may make regulations prescribing all matters required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act and in particular for—
 - (a) the duties of dealers in gold;
 - (b) the forms to be used, the returns to be furnished and the fees to be paid by dealers in gold.

Controlled by Ministry of Finance

CHAPTER 216

GOLD DEALERS

Regulations 31st Dec., 1965 [in force 16th Dec., 1966], 15th Aug., 1974.

SECTION 22—GOLD DEALERS REGULATIONS

Made by the Governor in Council

Short title

1. These Regulations may be cited as the Gold Dealers Regulations.

Application for gold dealer's licence

2. Any person, other than an incorporated bank, desirous of obtaining a gold dealer's licence, shall lodge with the Minister an application therefor in accordance with Form 1 in the First Schedule together with the prescribed fee.

Grant of licence

3. If the Minister decides to grant to any such applicant a gold dealer's licence he shall issue to such person a licence in accordance with Form 2 in the First Schedule.

Application by bank

- 4. An incorporated bank shall make application to the Minister in accordance with Form 3 in the First Schedule for a general gold dealer's licence, and, on receipt of the prescribed fee, and the additional prescribed fee for each branch at which gold-dealing is to be carried on, such licence may be granted in accordance with Form 4 in the First Schedule.
 - Certain bank officers deemed to be "licensees"
- 5. The manager, or the accountant, or the officer in charge of the gold-dealing department of a bank for the time being at every such branch, shall be deemed to be a "licensee" within the meaning of the Act.

Licensee may take declaration from seller

- 6.—(1) Every licensee shall require any person tendering to him for sale any gold to make and subscribe a declaration in accordance with Form 5 in the First Schedule containing such particulars as are prescribed, specifying the situation of the mine, or tenement, or prospecting area from which such gold was obtained.
- (2) Before taking any such declaration as aforesaid, such licensee shall clearly explain to the person to whom such declaration is made the nature of such declaration and the liability incurred by making and subscribing a false declaration.
- (3) Any licensee or employee of a licensee who divulges any matter contained in any such declaration except for the purposes of the administration of justice, or for the purpose of carrying into effect the provisions of these Regulations, shall be guilty of an offence.

- (4) In addition to complying with the foregoing provisions of this Regulation, the licensee, before buying gold from any person, shall assure himself that such person is entitled to sell the same; and, except in the case of a person who is personally known to him to be of good repute, he shall require such person to produce a certificate from some well-known reputable person that he believes that the person offering or selling such gold obtained it honestly.
 - Gold not to be bought except at place of business
- 7. No licensee shall buy or sell gold at any other place than the premises on which he carries on his business.

Form of gold dealer's book

8. The gold dealer's book kept at the registered place of business of every gold dealer, and at every branch of an incorporated bank holding a gold dealer's licence at which gold dealing is carried on, shall be in Form 6 in the First Schedule. Every licensee shall personally conduct and carry out every transaction relating to the purchase or sale of gold, and shall, after every purchase or sale has been effected, forthwith record in his gold dealer's book the prescribed particulars of the transaction.

Returns to be forwarded to Minister

9. On or before the tenth day of each month every licensed gold dealer and the manager at any branch of an incorporated bank holding a gold dealer's licence shall forward to the Minister a return in accordance with Form 7 in the First Schedule containing the particulars therein prescribed with regard to every transaction relating to gold undertaken by him or by his bank during the preceding month

Declaration to be made

10. The declaration to be made by the sender when forwarding gold by post or other intermediary to an incorporated bank licensed under the Act shall be in accordance with Form 8 in the First Schedule.

Penalties

11. Any failure to comply with the provisions of regulations 8, 9 or 10 shall render the person or persons so in default liable to a fine of two hundred dollars or to imprisonment for six months.

Application for temporary licence

12. Any person who desires to obtain a temporary licence to deal in gold in any remote locality shall lodge with the Minister an application therefor in accordance with Form 9 in the First Schedule together with the prescribed fee.

Form of temporary licence

13. Every temporary licence granted shall be in accordance with Form 10 in the First Schedule.

Provisions relating to temporary licences

14. The provisions of these Regulations relating to gold dealers shall apply to the holder of a temporary licence so far as the same are applicable thereto.

Renewal of licences

- 15.—(1) Application for renewal of a gold dealer's licence shall be made in accordance with Form 1 in the First Schedule and shall be lodged with the Minister together with the prescribed fee.
- (2) Application for renewal of a general gold dealer's licence in the name of an incorporated bank shall be made in accordance with Form 3 in the Schedule and shall be lodged with the Minister together with the prescribed fee and the additional prescribed fee for each branch of such bank at which gold dealing is to be carried on.

Yearly return by gold dealer

16. Every bank, by some responsible officer thereof, and every gold dealer other than a bank, shall during the months of January in each year forward to the Minister a return in accordance with Form 11 in the First Schedule, under the hand of such officer or dealer, setting forth the particulars therein mentioned for the year ending on the last day of the preceding month.

Exporter of gold to furnish a return

17. Every person who exports any gold, in addition to declaring the same at the time of export at the Customs, shall at the expiration of the month in which the same was exported, furnish to the Minister a return in accordance with Form 12 in the First Schedule setting out the particulars therein prescribed.

Fees

18. The fees to be charged in accordance with the provisions of these Regulations shall be those set out in the Second Schedule.

FIRST SCHEDULE

FORM 1

GOLD DEALERS REGULATIONS

(Regulations 2 and 15)

APPLICATION FOR A GOLD DEALER'S LICENCE

The Minister of Finance.

I hereby apply for a licence as a dealer in gold.

Name in full:

Address:

Business:

My proposed place of business as a dealer in gold:

Signature of applicant

This application was received at the Office of the Minister at o'clock m. on the day of , 19

Signature of Receiving Officer

GOLD DEALERS REGULATIONS

(Regulation 3)

GOLD DEALER'S LICENCE

I, , the Minister of Finance being satisfied that is a fit and proper person to be a licensed gold dealer, do hereby licence the said to be a gold dealer under the provisions of the Gold Dealers Act, to carry on the business of a gold dealer at in the premises occupied by him and situated at and at no other place, until the 31st day of December, 19, and no longer.

Given under my hand at Suva this day of . 19

Entered in the Register of Licensed Gold Dealers.

Minister of Finance

FORM 3

GOLD DEALERS REGULATIONS

(Regulations 4 and 15)

APPLICATION FOR A GENERAL GOLD DEALER'S LICENCE

The Minister of Finance

I, being the Registered Manager of an incorporated Bank whose principal place of business in Fiji is situated at do hereby make application for a General Licence to deal in gold at the branches described in the Schedule, under the provisions of the Gold Dealers Act, in the name of the said Bank until the 31st December, 19

SCF	IEDULE
Place where branch established	Full name of manager
ı.	
•	
	Signature of applicant
Received at o'clock m	. this day of , 19 .
	Signature of Receiving Officer

GOLD DEALERS REGULATIONS

(Regulation 4)

GOLD DEALER'S LICENCE FOR INCORPORATED BANK

I, , the Minister of Finance, do hereby grant to , an incorporated bank whose principal place of business in Fiji is situated at , a licence to deal in gold at the branches described in the Schedule, under the provisions of the Gold Dealers Act, until the 31st December, 19 , and no longer Entered in the Register of Licensed Gold Dealers. Given under my hand this day of , 19

Minister of Finance

SCHEDULE

List of places where such branches of the Bank are established, and full names of present managers thereof.

Place where branch established	Full name of manager

FORM 5

GOLD DEALERS REGULATIONS (Regulation 6)

DECLARTION BY PERSON TENDERING GOLD, ETC., TO A LICENSED GOLD DEALER

I [here insert full name of declarant] of [here insert usual place of residence of declarant with sufficient detail to locate its situation in Fiji] being thereto required by [here insert name of licensed gold buyer] a Licensed Gold Dealer to make and subscribe a declaration under the provisions of regulation 6 of the Gold Dealers Regulations, respecting certain gold [here insert description] (in this declaration hereinafter referred to as "gold") now tendered by me to him for sale/as a security for an advance, declare as follows:—

My full and true name, with my usual place of residence is correctly set out above.

My present address is [here insert present address if different from usual place of residence, or, if the same, insert the words "as above"].

I am by occupation a [here insert occupation or occupations].

The mine or mining tenement from which the said gold was obtained is held under registered Prospecting Licence No./Permit to Mine No./Lease No. known as [here insert name of area, if it has one] and is situated at [here insert locality] in the tikina of in the province of .

The said gold was won by [here insert full name].

The name(s) of the holder(s) or owner(s) of the mine or mining tenement where the said gold was won is/are [here set out the name].

I am selling/depositing the said gold as owner or Manager/Agent for [if as agent add name or names of principal, his or their callings and addresses].

And I make this declaration pursuant to the provisions of regulation 6 of the Gold Dealers Regulations, with the full knowledge that a person who knowingly and wilfully makes any false declaration shall be liable to the penalties imposed by the Penal Code.

(Signed)

Declarant

Made and subscribed before the undersigned, a licensed gold dealer at , this day of , 19 , I having first clearly explained to the declarant the liability incurred by him in making and subscribing a false delcaration.

(Signed) Licensed Dealer in Gold N.B.—A licensee before buying gold from any person shall assure himself that such person is entitled to sell the same; and except in the case of a person who is personally known to him to be of good repute, he shall require such person to produce a certificate from some well-known reputable person that he believes the person offering or selling such gold obtained it honestly.

FORM 6

GOLD DEALER'S BOOK (Regulation 8)

No. of transaction	
Date	
*Nature of transaction	
Name and address of purchaser or seller	
†Particulars of gold bought or sold	
No. of lease or holding from which gold was obtained, and locality	
Where, and how treated	i
Value, given or received	
Signatures of parties to the transaction other than the licensed gold dealer	٠.

oz. dwt.

^{*} Under this heading particulars must be stated as to whether the transaction was a sale, purchase, advance or deposit for safe keeping.

[†] Under this heading must be accurately set out the particulars of the gold dealt with in accordance with the definition thereof contained in section 2 of the Gold Dealers Act.

GOLD DEALERS REGULATIONS

(Regulation 9)

RETURN OF GOLD BOUGHT OR SOLD BY A LICENSED GOLD DEALER OR BY AN INCORPORATED BANK HOLDING A GOLD DEALER'S LICENCE, FOR THE MONTH OF 19

(To be posted to the Minister of Finance not later than the tenth day of each month)

No. of transaction

Date

*Nature of transaction

Name and address of purchaser or seller

†Particulars of gold bought or sold

No. of lease or holding from which gold was obtained, and locality

Where, and how treated

Value, given or received

Names of parties to the transaction other than the licensed gold dealer

oz. dwt.

I, [Manager of the Bank of licensed gold dealer, whose registered address for business is at holder of Gold Dealer's Licence No. , do hereby certify that the foregoing is a true and correct statement of [all the transactions of my bank or of all my transactions] in gold during the month of

Witness:

Signature of Licensee: Address and description: Date:

^{*} Under this heading particulars must be stated as to whether the transaction was a sale, purchase, advance or deposit for safe keeping.
† Under this heading must be accurately set out the particulars of the gold dealt with in accordance with the definition thereof contained in section 2 of the Gold Dealers Act.

GOLD DEALERS REGULATIONS

(Regulation 10)

DECLARATION AS TO GOLD* SENT BY POST OR OTHERWISE

I, , do solemnly and sincerely declare as follows:---1. I did on the day of . 19 , forward to the Bank by post, or by a parcel containing [here set out nature of contents and approximate quantity or weight thereof].2. The said is my property/the property of [here set out whether it was acquired by purchase or is the product of some mining lease, and in the former case the name and address of the seller, and in the latter case the registered number, name and situation of the lease and the holder thereofl. Witness:

*"Gold" includes gold, gold-bullion, retorted gold, gold-ores, gold-dust, goldamalgam, gold-alloys, and precipitates, slag, concentrates, tailings and residues, containing gold but does not include coin or things manufactured of gold.

To be forwarded to the Bank,

FORM 9

GOLD DEALERS REGULATIONS

(Regulation 12)

APPLICATION FOR A TEMPORARY GOLD DEALER'S LICENCE The Minister of Finance.

I hereby apply for a temporary licence as a dealer in gold.

Name in full:

Address:

My proposed place of business as a dealer in gold is and I make application for this temporary licence for a maximum period of

Signature of applicant

This application was received at the Office of the Minister at

o'clock

m. on the

Signature of Receiving Officer

GOLD DEALERS REGULATIONS

(Regulation 13)

TEMPORARY GOLD DEALER'S LICENCE

I, , the Minister of Finance, do hereby grant under the provisions of the Gold Dealers Act and the Regulations thereunder, to this temporary gold dealer's licence to carry on the business of a gold dealer at and at no other place, for a period of months, from the date hereof, and no longer.

Given under my hand this

day of

. 19

Minister of Finance

FORM 11

GOLD DEALERS REGULATIONS

(Regulations 15)

YEARLY RETURN OF GOLD PURCHASED BY A LICENSED GOLD DEALER OR BY AN INCORPORATED BANK HOLDING A GOLD DEALER'S LICENCE

Yearly return of gold purchased by ..., the holder of Gold Dealer's Licence No. for the year ending on the 31st day of December, 19

Quantity of gold purchased	Total value of gold purchased	Average value of gold purchased per ounce	Remarks		
}		<u> </u>			

Dated at Witness:

this

day of January, 19

Signature of Bank Officer or Gold Dealer

GOLD DEALERS REGULATIONS

(Regulation 17)

RETURN OF GOLD* EXPORTED FROM FIJI

The Minister of Finance

Name of Bank, gold dealer or exporter of gold:

Place and date:

I declare that the following is a correct statement of the amount of gold, the produce of Fiji, which has been exported by me/us during the month of , 19 .

ship-	Port	Name of vessel Flight No.	Amount export			Whence derived		Destina-	Remarks	
	of export		,	Neigh	it	Value	Tikina	Pro- vince	tion	Kemarks
	1.		oz.	dwt.	gr.			ı		
	!									
					! !					
		!								
						1				
				-						
Witness.				Sione			<u> </u>			<u> </u>

Witness:

(Signed):

[&]quot;"Gold" includes gold, gold-bullion, retorted gold, gold-ores, gold-dust, gold-amalgam, gold-alloys, and precipitates, slag, concentrates, tailings and residues, containing gold, but does not include coin or things manufactured of gold.

SECOND SCHEDULE

(Regulation 18)

(Substituted by Regulations 15th August 1974 and 29th November 1977.)

SCALE OF FEES

	\$
Gold dealer's licence (personal) or renewal thereof	30.00
Gold dealer's licence for incoporated bank or renewal thereof	30.00
For each branch specified, in addition	20.00
Temporary gold dealer's licence	20.00
On change of registered address of gold dealer	10.00

Controlled by Ministry of Finance