

# PAWNBROKERS ACT, 1940 CAP. 189

## ARRANGEMENT OF SECTIONS

### Definition of Pawnbrokers

1. Pawnbrokers.
2. Executors of pawnbrokers.
3. Acts by agents, servants.
4. Extension of rights.
5. Application of Act regarding loans.

### Licences

6. Yearly licence and fee.
7. Cesser of licence on conviction.
8. Licence not granted without certificate.
9. Grant of certificate.
10. Form and duration of certificate.
11. Notice of application.
12. Grounds of refusal of certificate.
13. Forgery of certificates.

### General Obligations of Pawnbrokers

14. Books of pawnbrokers.

15. Exhibition of names.

#### Pawning, Redemption and Sale

16. Pawn-tickets.

17. Profits and charges.

18. Period of redemption and pledge.

19. Forfeiture of pledge.

20. Redeemable pledges.

21. Sale by auction.

22. Offences by auctioneer.

23. Inspection of books.

24. Offences.

#### Delivery up of Pledge

25. Redemption by holder of pawn-ticket.

26. Production of pawn-ticket on redemption.

27. Liability of pawnbroker in case of fire.

28. Compensation for depreciation of pledge.

29. Protection of owners.

30. Delivery to owner of property unlawfully pawned.

31. Summary order for delivery of pledge to person entitled.

#### General Restrictions of Pawnbrokers

32. Prohibition of purchasing pledges.

#### Unlawful Pawning and taking in Pawn

33. Penalty for wrongful pawning.

34. Offences relating to unsatisfactory or false information.

35. Duty of pawnbroker.

36. Prohibition as to taking in pawn.

37. Search warrant.

#### Penalties and Legal Proceedings

38. General penalty for offences.

39. Application of penalties.

40. Amends for frivolous information.

41. Penalty on common informers.

42. Detention of persons.

43. Production of books.

44. Information to be given by police.

45. Entry and search.

46. Production of books.

47. Contracts not void on account of offences.

48. Regulations.

49. Interpretation.

## SCHEDULES

First Schedule Certificate

Second Schedule Forms of Books and Documents

Third Schedule Profit and Charges allowed to Pawnbrokers

g

Fourth Schedule Regulations as to Auctions of Pledges above Ten Thousand

Cedis

Fourth Schedule Regulations as to Auctions of Pledges above Ten Thousand

Cedis

CAP. 189

PAWNBROKERS ACT, 1940(1)

AN ACT to regulate the business of pawnbrokers, and to provide for related matters.

Definition of Pawnbrokers

## 1. Pawnbrokers

A person who

(a) receives or takes of or from a person, goods or chattels by way of security for the repayment of a sum of money, not exceeding three million cedis advanced on the security,

(b) purchases or receives or takes in goods or chattels and pays and advances or lends a sum of money, on the security of the goods or chattels not exceeding three million cedis

(i) with or under an agreement or understanding, expressed or implied, or

(ii)

to be reasonably inferred from the nature and character of the dealing that those goods or chattels may be afterwards redeemed or repurchased on any terms,

is, for the purposes of this Act, a person carrying on the business of taking goods and chattels in pawn,

and the transaction, article, payment, advance and loan is a pawning, pledge or loan.

## 2. Executors of pawnbrokers

The provisions of this Act relating to pawnbrokers extend to and include the executors or administrators or successors of a deceased pawnbroker, but an executor or administrator or a successor is

not answerable for a penalty or forfeiture personally or out of the estate of the executor, administrator or

successor unless the penalty or forfeiture is incurred by the act or neglect of the executor, administrator or

successor.

## 3. Acts by agents, servants

For the purposes of this Act,

(a) anything done or omitted to be done by the servant or agent of a pawn-broker in the course of, or in relation to the business of the pawnbroker, is a thing done or omitted to be done by the pawnbroker;

(b) anything authorised by this Act to be done by a pawnbroker may be done by the servant or agent of the pawnbroker.

#### 4. Extension of rights

(1) The rights, powers and benefits reserved by this Act to and conferred on pawners extend to and

are reserved to, and conferred on, the assignees of pawners, and the executors and administrators and

successors of a deceased pawner.

(2) A person who poses as a pawnbroker, as the assignee, executor, administrator or successor of a

pawner shall, if required by the pawnbroker, produce the assignment, probate, letters of administration, or

any other instrument to substantiate that claim.

(3) In the case of a successor, the successor shall produce a certificate issued by the prescribed

authority certifying that the poseur is the successor according to the customary law of the deceased

pawner.

(4) A personal liability does not attach to the prescribed authority in respect of a certificate issued by

the prescribed authority.

#### 5. Application of Act regarding loans

(1) This Act applies to a loan by a pawnbroker of a sum of money not exceeding three million cedis.

(2) This Act does not apply to a loan by a pawnbroker of above three million cedis or to the pledge on

which the loan is made, or to the pawnbroker or pawner in relation to the loan or pledge.

(3) Despite anything in this Act a person is not a pawnbroker by reason only of the paying, advancing

or lending on any terms a sum of money of above three million cedis.

#### Licences

#### 6. Yearly licence and fee

(1) A pawnbroker shall yearly take out from the prescribed officer a licence for the carrying on of

business.

(2) The licence shall be in the prescribed form, and the prescribed fee is payable for the licence.

(3) A licence shall be dated on the day on which it is issued, and shall determine on the 31st day of

December of the year of issue.

(4) A separate licence shall be taken out and paid for by a pawnbroker for each pawnbroker's shop

kept by that pawnbroker.

(5) A person who acts as a pawnbroker without having in force a valid licence, commits an offence

and is liable for each offence to a fine not exceeding two hundred penalty units or to a term of

imprisonment not exceeding six months.

#### 7. Cesser of licence on conviction

Where a pawnbroker is convicted of a fraud in respect of the business, or of receiving stolen goods,

knowing them to be stolen, the Court may direct that the licence shall cease to have effect and shall cease

accordingly.

#### 8. Licence not granted without certificate

(1) A pawnbroker's licence shall not be granted to a person except on the production and in pursuance

of the authority of a certificate granted under this Act.

(2) A licence granted in contravention of this Act is void.

#### 9. Grant of certificate

A certificate shall be granted by the district chief executive of the district where the applicant intends

to continue with business.

#### 10. Form and duration of certificate

A certificate shall be in the form set out in the First Schedule, and is valid for one year.

#### 11. Notice of application

(1) A person intending to apply for the first time for a certificate shall twenty-one days at least before



the application, give notice by registered letter sent by post of the intention to the senior police officer in

the district where the applicant intends to carry on business.

(2) The notice shall set forth the name and address, and the situation of the shop in which it is intended to carry on business.

## 12. Grounds of refusal of certificate

An application for a certificate shall be refused where

(a) the district chief executive is not satisfied after considering the evidence of good character produced by the applicant and after consulting the senior police officer in the district, that the applicant appears to be a fit and proper person to hold a pawnbroker's licence, or

(b) the applicant is an auctioneer, or

(c) the shop in which the applicant intends to carry on the business of pawnbroker or an adjacent house or place owned or occupied by the applicant is frequented by thieves or persons of bad character, or

(d) the applicant has not complied with section 11.

## 13. Forgery of certificates

(1) A person who forges a certificate or tenders a certificate knowing it to be forged, commits an offence and is liable on summary conviction to a fine of two hundred penalty units or to a term of

imprisonment for six months.

(2) A licence granted in pursuance of a forged certificate is void.

(3) A person who uses a forged certificate, knowing it to be forged commits an offence and is disqualified from obtaining a pawnbroker's licence.

## General Obligations of Pawnbrokers

#### 14. Books of pawnbrokers

(1) A pawnbroker shall keep and use in the business the books and documents that are described in

the form set out in the Second Schedule or to the like effect.

(2) A pawnbroker who fails to comply with the requirements of subsection (1) commits an offence.

#### 15. Exhibition of names

(1) A pawnbroker shall

(a) keep exhibited in large characters over the outer door of the shop the name of the pawnbroker with the word “pawnbroker”, and

(b) keep placed in a conspicuous part of the shop, so as to be legible by a person pawning or redeeming a pledge, the same information as, in the Second Schedule, is required to be printed on pawn-tickets.

(2) A pawnbroker who fails to comply with the requirements of subsection (1) commits an offence.

#### Pawning, Redemption and Sale

#### 16. Pawn-tickets

A pawnbroker shall, on taking a pledge in pawn, give to the pawner a pawn-ticket, and shall not take a

pledge in pawn unless the pawner takes a pawn-ticket.

## 17. Profits and charges

(1) A pawnbroker may take a profit on a loan on a pledge not exceeding that specified in the Third

Schedule.

(2) A pawnbroker may demand and take the charges specified in the Third Schedule, in the cases and

according to the rules set out in that Schedule.

(3) A pawnbroker shall not, in respect of a loan on a pledge, take a profit, or demand or take a charge

or sum of money other than those specified in the Third Schedule.

(4) A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan

and profit paid.

## 18. Period of redemption and pledge

(1) A pledge is redeemable within twelve months from the day of pawning, exclusive of that day.

(2) There shall be added to that year of redemption seven days of grace, within which, if not redeemed

within the year of redemption, a pledge is redeemable.

## 19. Forfeiture of pledge

(1) A pledge pawned for ten thousand cedis or less becomes, at the expiration of the days of grace, the

property of the pawnbroker if not redeemed within the year of redemption and the days of grace.

(2) Subsection (1) is subject to an agreement made between the parties before the expiration of the

year of redemption.

(3) The agreement shall be endorsed by the pawnbroker on the pawn-ticket.

## 20. Redeemable pledges

A pledge pawned for above ten thousand cedis continues to be redeemable until it is disposed of, as

provided in this Act, although the year of redemption and days of grace are expired.

## 21. Sale by auction

(1) A pledge pawned for above ten thousand cedis is, at the instance of the pawn-broker, disposable

by sale by public auction, and not otherwise.

(2) The Regulations contained in the Fourth Schedule shall be observed with reference to the sale.

(3) A pawnbroker may bid for and purchase at the sale by auction, made or purporting to be made

under this Act, a pledge pawned with the pawnbroker and on that purchase the pawnbroker becomes the

absolute owner of the pledge purchased.

## 22. Offences by auctioneer

An auctioneer who does anything in contravention of a provision of this Act relating to auctioneers, or

fails to do anything which the auctioneer is required by this Act to do, commits an offence.

## 23. Inspection of books

(1) Within three years after the auction at which a pledge pawned for above ten thousand cedis is sold,

the holder of the pawn-ticket may inspect the entry of the sale in the pawnbroker's books, and in the

completed catalogue of the auction, authenticated by the signature of the auctioneer or in either of them.

(2) Where a pledge pawned for above ten thousand cedis is sold, and appears from the pawnbroker's

book to have been sold for more than the amount of the loan and profit due at the time of sale, the

pawnbroker shall, on demand, pay the surplus to the holder of the pawn-ticket, where the demand is made

within three years after the sale, the necessary costs and charges of the sale being first deducted.

(3) Where on a demand it appears from the pawnbroker's book that the sale of a pledge has resulted in

a surplus, and within twelve months before or after that sale, the sale of another pledge of the same person

has resulted in a deficit, the pawnbroker may set-off the deficit against the surplus, and is liable to pay the

balance only after the set-off.

(4) The pawnbroker shall send to the senior officer of police in the district on the first day of every

calendar month a list showing the result of the sale of pledges during the preceding calendar month and

the senior officer of police shall keep the list affixed at the police station for three months in a place easily

accessible to the public.

#### 24. Offences

A pawnbroker commits an offence and is liable on summary conviction to forfeit to the person aggrieved, a sum of money not exceeding ten million cedis where with respect to a pledge for loan of

above ten thousand cedis the pawnbroker

- (a) does not bona fide, according to the directions of this Act, sell a pledge pawned with the pawnbroker, or
- (b) enters in the book a pledge as sold for less than the sum of money for which it was sold, or fails duly to enter the same, or
- (c) refuses to permit a person entitled under this Act to inspection of an entry of sale in the pawnbroker's book, or of a completed catalogue of the auction, authenticated by the signature of the auctioneer, to inspect the entry or the catalogue, or
- (d) fails without lawful excuse, the proof of which lies on the pawnbroker, to produce the

catalogue on lawful demand, or

- (e) refuses to pay on demand the surplus to the person entitled to receive the surplus.

Delivery up of Pledge

## 25. Redemption by holder of pawn-ticket

- (1) The holder of a pawn-ticket shall be presumed to be the person entitled to redeem the pledge, and,

subject to this Act the pawnbroker shall accordingly, on payment of the loan and profit, deliver the pledge

to the person producing the pawn-ticket.

- (2) On delivering the pledge under subsection (1) the pawnbroker is indemnified for so doing.

## 26. Production of pawn-ticket on redemption

A pawnbroker is not bound, except as provided in this Act, to deliver back a pledge unless the

pawn-ticket for it is produced.

## 27. Liability of pawnbroker in case of fire

(1) Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker is liable, on

application within the period during which the pledge would have been redeemable, to pay the value of

the pledge, after deducting the amount of the loan and profit, the value to be the amount of the loan and

profit, and twenty-five percent on the amount of the loan.

(2) A pawnbroker is entitled to insure to the extent of the value so estimated.

## 28. Compensation for depreciation of pledge

(1) Where a person entitled and offering to redeem a pledge shows to the satisfaction of a Magistrate

that the pledge has become or has been rendered of less value than it was at the time of the pawning by or

through the default, neglect, or wilful misbehaviour of the pawnbroker, the Magistrate may award a

reasonable compensation to the owner of the pledge in respect of the damage.

(2) The amount awarded under subsection (1) shall be deducted from the amount payable to the

pawnbroker, or shall be paid by the pawnbroker as the case requires in the manner directed by the

Magistrate.

## 29. Protection of owners

For the protection of owners of articles pawned, and of pawners not having their pawn-tickets to produce,

(a) a person claiming to be the owner of a pledge but not holding the pawn-ticket, or a person claiming to be entitled to hold a pawn-ticket, but alleging that the pawn-ticket has been lost, mislaid, destroyed, or stolen, or fraudulently obtained from that person, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to that person;

(b) if the applicant delivers back to the pawnbroker the declaration duly made by the applicant and by a person identifying the applicant before a Magistrate or a commissioner appointed to take affidavits and declarations, the applicant shall have, as between the applicant and the

pawnbroker, the same rights and remedies as if that person produced the pawn-ticket, but the declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker not later than on the third day after the day on which the form is delivered to the applicant by the pawnbroker, exclusive of a day on which the pawnbroker is prohibited from carrying on business;

(c) the pawnbroker is hereby indemnified for not delivering the pledge to a person until the expiration of the specified period; and

(d) the pawnbroker is further indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless the pawnbroker has actual or constructive notice that the declaration is fraudulent or is false in a material particular.

### 30. Delivery to owner of property unlawfully pawned

The Court, on proof of the ownership of goods, may order the delivery of the goods to the owner,



either on payment to the pawnbroker of the amount of the loan or a part of that amount, or without

payment of the amount or of a part of the amount, as to the Court, according to the conduct of the owner

and the other circumstances of the case, may consider just and fitting

(a) where a person is convicted under this Act of knowingly and designedly pawning with a pawnbroker anything which is the property of another person, and the pawner is not employed or authorised by the owner to pawn the property; or

(b) where a person is convicted of stealing or fraudulently obtaining goods, and it appears to the Court that the goods have been pawned with a pawnbroker; or

(c) where in proceedings it appears to the Court that the goods brought before the Court have been unlawfully pawned with a pawnbroker.

### 31. Summary order for delivery of pledge to person entitled

A pawnbroker who, without reasonable excuse, the proof of which lies on the pawnbroker, refuses or

neglects to deliver a pledge to the person entitled to have delivery of the pledge under this Act commits

an offence and a Magistrate may, with or without imposing a penalty, order the delivery of the pledge on

payment of the amount of the loan and profit.

## General Restrictions on Pawnbrokers

### 32. Prohibition of purchasing pledges

A pawnbroker is liable to a fine of one hundred penalty units if the pawnbroker

- (a) takes an article in pawn from a person appearing to be under the age of sixteen years or appears to be intoxicated; or
- (b) purchases or takes in pawn or in exchange a pawn-ticket issued by another pawnbroker; or
- (c) employs a servant or an apprentice or any other person under the age of sixteen years to take pledges in pawn; or
- (d) under a pretence purchases, except at a public auction, a pledge while in pawn with the pawnbroker; or
- (e) suffers a pledge while in pawn with the pawnbroker to be redeemed with a view to the pawnbroker purchasing it; or
- (f) makes a contract or an agreement with a person pawning or offering to pawn an article, or with the pawner of the article for the purchase, sale or disposition of the article within the time of redemption; or
- (g) sells or otherwise disposes of a pledge pawned with the pawnbroker except at the time and in the manner authorised by this Act; or
- (h) takes the goods or chattels in pawn from a person before 6 a.m. or after 6 p.m.; or
- (i) carries on the business of a pawnbroker on a Sunday, Good Friday or Christmas Day.

Unlawful Pawning and taking in Pawn

33. Penalty for wrongful pawning

(1) A person who knowingly and designedly pawns with a pawnbroker the property of another person

where the pawner is not employed or authorised by the owner commits an offence and is liable on

summary conviction to a fine not exceeding one hundred penalty units.

(2) In addition to the fine imposed under subsection (1), the Magistrate may order the accused to pay

by way of compensation to the owner a sum of money not exceeding the full value of the pledge as

ascertained by the Court which sum shall be levied and taken in the same manner as a fine.

#### 34. Offences relating to unsatisfactory or false information

A person commits an offence if that person

(a) offers to a pawnbroker an article by way of pawn, being unable or refusing to give a

satisfactory account of the means by which that person became possessed of the article; or

(b) wilfully gives false information to a pawnbroker as to whether an article offered by that

person in pawn to the pawnbroker is the personal property of that person or not, or as to the name and address of that person or as to the name and address of the owner of the article; or

(c) not being entitled to redeem and not having a colour of title by law to redeem a pledge, attempts or endeavours to redeem the pledge.

#### 35. Duty of pawnbroker

(1) Where a person under suspicious circumstances offers an article in pawn to a pawnbroker, or

without having a colour of title by law to redeem a pledge, attempts to redeem the pledge, and the

pawnbroker has reason to suspect a want of title, the pawnbroker shall inquire of the person how that

person came by the article or the pawn-ticket.

(2) Where that person is not able or refuses to give a satisfactory account as to ownership or of the

means by which possession of the article was acquired, or of the pawn-ticket, or wilfully gives a false

information concerning that article or pawn-ticket, or as to the name or address of that person or as to the

name or place of abode of the owner of the article, or if there is any other reason to suspect that the article

or pawn-ticket has been stolen or otherwise illegally or clandestinely obtained, the pawnbroker may seize

and detain the person offering the article or pawn-ticket, and shall deliver that person with the article or

pawn-ticket into the custody of a police officer.

### 36. Prohibition as to taking in pawn

A pawnbroker who knowingly takes in pawn a linen or an apparel or unfinished goods or materials

entrusted to a person to wash, scour, iron, mend, manufacture, work up, finish or make up, commits an

offence and is liable on summary conviction to a fine not exceeding double the amount of the loan; and

shall likewise restore the pledge to the owner in the presence of the Magistrate or as the Magistrate

directs.

### 37. Search warrant

(1) Where the owner of goods entrusted to a person and unlawfully pawned with a pawnbroker, or the

owner of any other article unlawfully pawned with the pawnbroker, the owner of that other article having

on oath satisfied a Magistrate that the goods have been unlawfully obtained, taken or withheld from that

owner, makes out on oath before a Magistrate that there is good cause to suspect that a pawnbroker has

taken in pawn the goods without the privity or authority of the owner, and satisfies the Magistrate as to

the probable grounds for the suspicion, the Magistrate may issue a warrant for searching, within the hours

of business, the shop of the pawnbroker.

(2) Where the pawnbroker, on request by a police officer authorised by the warrant to make the search

refuses to open the shop or permit it to be searched, a police officer may break it open within the hours of

business and search the shop for the goods without wilful damage, and a pawnbroker or any other person

who opposes or hinders the search commits an offence.

(3) Where on the search the goods are found and the ownership is made out to the satisfaction of a

Magistrate, the Magistrate shall cause the same to be restored to the owner.

(4) For the purposes of this section, "goods" includes linen, apparel, materials and articles.

## Penalties and Legal Proceedings

### 38. General penalty for offences

Where a pawnbroker or any other person commits an offence against this Act, in respect of which a

specified forfeiture or penalty is not prescribed by this Act, the pawnbroker or that other person is liable

on conviction to a fine of fifty penalty units.

### 39. Application of penalties

A penalty recovered under this Act, not directed to be otherwise applied, may be applied under direction of the Court before which it is recovered, as follows:

(a) where the complainant is the aggrieved party, one half of the penalty may be paid to the complainant; and

(b) where the complainant is not the party aggrieved, there may be paid to that party, a part of the penalty as directed by the Court.

### 40. Amends for frivolous information

(1) Where a complaint or information of an offence against this Act which is not an offence relating to

licences, is made or laid before a Magistrate and is not further prosecuted, or if the complaint or information is further prosecuted, but it appears to the Magistrate that there was no sufficient ground for

the making of the charge, the Magistrate may make an award not exceeding five hundred thousand cedis

to be paid by the complainant or informant to the party complained of or informed against for the loss of

time and expense in the matter.

(2) A sum of money awarded under subsection (1) is as a fine, recoverable.

#### 41. Penalty on common informers

A person who lays an information for an offence alleged to have been committed against this Act by

which that person was not personally aggrieved, and afterwards directly or indirectly receives a sum of

money or any other reward for compounding, delaying, or withdrawing the information, commits an

offence and is liable on summary conviction to a fine of fifty penalty units.

#### 42. Detention of persons

Where a person utters, produces, shows, or offers to a pawnbroker a pawn-ticket which the pawnbroker reasonably suspects to have been counterfeited, forged or altered, the pawnbroker may seize

and detain that person and the ticket, or either of them, and shall deliver that person and the ticket, or

either of them as soon as may be into the custody of a police officer, who shall convey that person, if so

detained, before a Magistrate to be dealt with according to law.

#### 43. Production of books

(1) The books required by this Act to be kept by a pawnbroker shall be produced for examination during business hours on demand by a Court or by a police officer not below the rank of sergeant or a

police officer holding a written authority from the Inspector-General of Police authorising that officer to

act under this section.

(2) A person making a demand under subsection (1) is hereby authorised to enter during business

hours a pawnbroker's shop without warrant to search for and examine those books and to take extracts

and copies from any of those books.

(3) A pawnbroker who fails to comply with the requirements of this section commits an offence.

#### 44. Information to be given by police

(1) Information as to property lost, stolen or otherwise fraudulently disposed of shall be given by the

police, as soon as possible after the loss of fraud, to all pawnbrokers, with lists and descriptions of the

property.

(2) Where a property answering to those lists and descriptions is in the possession of a pawnbroker or

is thereafter offered to or shown to a pawnbroker, the pawnbroker shall, without unnecessary delay, give

information to that effect at the nearest police station or to a police officer, with the name and address of

the person in whose possession the property was seen.

(3) A pawnbroker who does not comply with subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding one hundred penalty units.

(4) The pawnbroker may detain the person offering or showing the property until the arrival of the

police.

#### 45. Entry and search

A police officer not below the rank of sergeant, and a police officer holding a written authority from



the Inspector-General of Police specially authorising that officer to act under this section, may enter a

pawnbroker's shop during business hours and may, without warrant, search the house, shop, or premises

of the pawnbroker for an article that the police officer reasonably suspects is in the house, shop or

premises and to have been dishonestly obtained and dishonestly placed there.

#### 46. Production of books

(1) A pawnbroker shall, when ordered or summoned by a Magistrate attend before the Court and produce the books and papers relating to the business which the pawn-broker is required by the Court to

produce.

(2) A pawnbroker who fails to comply with subsection (1) commits an offence.

#### 47. Contracts not void on account of offences

(1) Where a pawnbroker is convicted of an offence under this Act which is not an offence relating to a

licence, a contract of pawn or any other contract made by the pawnbroker in relation to the business of

pawnbroker, shall not be void by reason only of that offence, nor shall the pawnbroker by reason only of

that offence lose the lien on or right to the pledge or to the loan and profit.

(2) Subsection (1) does not restrict the operation of a provision of this Act providing for the delivery

of goods and chattels, or the restoration of linen, apparel, unfinished goods, materials or article to the

owner, under the order of a Court.

#### 48. Regulations

(1) The Minister responsible for Finance may, by legislative instrument, make Regulations for the

further, better or more convenient effectuation of any of the provisions or purposes of this Act.

(2) Without derogating from the generality of subsection (1), the Regulations may provide for

(a) the authority to be appointed to issue certificates as to succession according to the customary law under section 4 and providing for the procedure to be followed;

(b) the persons to be appointed as licensing officers;

(c) mending the forms, rules, regulations and other provisions in the Schedules;

(d) the manner in which sales under this Act shall be held;

(e) the manner and conditions in and under which the business of pawnbrokers should be conducted; and

(f) generally for the better carrying into effect of the purposes of this Act.

(3) A person contravening a regulation made under this Act commits an offence, and is liable on summary conviction to a fine of fifty penalty units.

#### 49. Interpretation

In this Act, unless the context otherwise requires,

“certificate” means a certificate issued under this Act;

“Court” means a court of competent jurisdiction;

“holder” means the holder of a pawn-ticket;

“pawnbroker” includes every person who carries on the business of taking goods and chattels in pawn;

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

“pledge” means an article pawned with a pawnbroker;

“prescribed” means prescribed by regulation under section 48;

“shop” includes a dwelling house and warehouse or other place of business or place where business is transacted;

“successor” means the successor according to customary law of a deceased person who in life was

subject to customary law;

“unfinished goods or materials” includes goods of manufacture or of a part or branch of a manufacture, either mixed or separate, or the materials whatever plainly intended for the composing or

manufacturing of goods, after the goods or materials are put into a state or course of manufacture or

into a state for process or operation to be performed and before the same are completed or finished for

the purpose of wear or consumption.

SCHEDULES

First Schedule

CERTIFICATE

[Section 10]

I ..... hereby certify that I authorise the grant to A.B. of ..... in the .....District of a Licence to carry on the Business of a Pawnbroker at (specify premises) .....

Given under my hand this ..... day of ....., 20 .....

.....

District Chief Executive

Second Schedule

FORMS OF BOOKS AND DOCUMENTS

[Section 14]

FORM NO. 1

PLEDGE BOOK

..... of, ..... Pawnbroker, ..... of ....., 20  
.....

Date of Profit Amount No. of Name Address Name of Address List of Wei  
redempcharged  
of loan pledge of of owner if of owner articles of  
tion in the pawner pawner other if other pawned as artic  
month than than described i  
pawner pawner on Pawnjewe  
tickets

All entries in the last five columns respecting each pledge shall be made on the day of the  
pawning thereof, or within f  
hours after the end of that day.

FORM NO. 2

PAWN-TICKET

A

For loan of ten thousand cedis or under

Pawned with (John Smith), Pawnbroker (..... Street, Accra), this ..... day  
of ....., 20 .....by (Henry Williams) ..... of  
(.....Street)

for the sum of .....

(One rain coat)

\*The Pawnbroker is entitled to charge:

For this ticket ..... (one hundred cedis).

For profit on each, five thousand cedis or part of five thousand cedis lent on this pledge for not

more than one calendar month ..... (fifty cedis).

And so on at the same rate per calendar month.

After the first calendar month any time not exceeding fourteen days will be charged as half a  
month, and any time exceeding fourteen days and not more than one month will be charged as  
one month.

This pledge must be redeemed within twelve calendar months and seven days from the date

of pledging. At the end of that time it becomes the property of the pawnbroker.

p gg ppy p ppy p

If the pledge is destroyed or damaged by fire the pawnbroker is bound to pay the value of the pledge, after deducting the amount of the loan and profit, the value to be the amount of the loan and profit and twenty-five percent on the amount of the loan.

If this ticket is lost, mislaid, or stolen, the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Magistrate, or the pawnbroker will be bound to deliver the pledge to a person who produces this ticket and claims to redeem the same.

\*The following is to be printed on the ticket, on the front, or back, or partly on the front and back.

B

For loan of above ten thousand cedis and not above one million cedis

Pawned with (John Smith), Pawnbroker (..... Street, Accra), this .....day

of ....., 20 ..... by (Henry Williams) ..... of (.....  
Street)

for the sum of .....

(One Grey Tweed Coat)

\*The Pawnbroker is entitled to charge:

For this ticket ..... (two thousand cedis).

For profit on each (five thousand cedis) or part of (five thousand cedis.) lent on this pledge for  
not more than one calendar month ..... (one hundred cedis).

And so on at the same rate per calendar month.

After the first calendar month any time not exceeding fourteen days will be charged as half a  
month, and any time, exceeding fourteen days and not more than one month will be charged as  
one month.



If this pledge is not redeemed within twelve calendar months and seven days from the day of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after sale, the pawner may inspect the account of the sale in the pawnbroker's books, on payment of one thousand cedis and receive the surplus produced by the sale. But the deficit on sale of one pledge may be set off by the pawnbroker against the surplus on another.

If the pledge is destroyed or damaged by fire the pawnbroker is bound to pay the value of the pledge, after deducting the amount of the loan and profit, the value to be the amount of the loan and profit and twenty-five percent on the amount of the loan.

If this ticket is lost or mislaid, the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Magistrate or the pawnbroker will be bound to deliver the pledge to a person who produces this ticket to him and claims to redeem the same.

\*The following is to be printed on the ticket, on the front, or back, or partly on the front and back.

C

For loan of above one million cedis

Pawned with (John Smith), Pawnbroker (..... Street, Accra), this .....day  
of ....., 20 .....by (Henry Williams) ..... of (.....  
Street)  
for the sum of .....

(One suit of clothes consisting of one overcoat, one pair of ..... trousers, and one vest)

\*The Pawnbroker is entitled to charge:

For this ticket ..... (two thousand cedis).

For profit on each (five thousand cedis) or part of (one thousand cedis.) lent on this pledge for  
not

more than one calendar month ..... (one hundred cedis).

If this pledge is not redeemed within twelve calendar months and seven days from the day of  
pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time

before the day of sale.

Within three years after sale the pawner may inspect the account of the sale in the pawnbroker's books, on payment of one thousand cedis and receive the surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire, the pawnbroker is bound to pay the value of the pledge after deducting the amount of the loan and profit, the value to be the amount of the loan and profit and twenty-five percent on the amount of the loan.

If this ticket is lost or mislaid the pawner should at once apply to the pawnbroker for a form of declaration to be made before a Magistrate or the pawnbroker will be bound to deliver the pledge to a person who produces this ticket to him and claims to redeem the same.

\* The following is to be printed on the ticket, on the front, or back, or partly on the front and back.

FORM NO. 3

SALE BOOK OF PLEDGES FOR LOANS OF ABOVE TEN THOUSAND CEDIS

(Date and place of sale)

(Name and place of business of auctioneer)

No. of pledge

as in pledge

book

Date of

pawning

Name of

pawner Amount of loan

Amount for

which pledge

sold, as stated

by auctioneer

FORM NO. 4

DECLARATION WHERE PLEDGE IS CLAIMED BY OWNER

TAKE NOTICE if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Magistrate and declared to and signed and delivered to the pawnbroker not later than the .. day of ..... 20....., the articles mentioned in it will be delivered to a person producing the pawn-ticket.

I, A. B. of ....., in pursuance of the Pawnbrokers Act, do solemnly and sincerely declare that the article(s) described below is (or are) my property, and that I believe they are pledged at the shop of .....

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

And I, C. D. OF ....., IN PURSUANCE OF THE ACT 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 ....., 20  
.....

.....

Magistrate

FORM NO. 5

DECLARATION WHERE PAWN-TICKET LOST, ETC.

TAKE NOTICE if this declaration is false the person making it is punishable as for perjury.

Unless this printed form is taken before a Magistrate and declared to and signed and delivered back to the pawnbroker not later than the ..... day of, 20\*..... the articles mentioned in it will be delivered to a person producing the pawn-ticket.

I, A. B. of ..... in pursuance of the Pawnbrokers Act, do solemnly and sincerely declare that ..... pledge at the shop of ..... pawnbroker, the article(s) described below being ..... property, and received a the pawn-ticket for the same, which has since been ..... by .....; and that the pawn-ticket has not been sold or transferred to a person by or to knowledge or belief.

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

And I, C.D., of ....., in pursuance of this Act, 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 ....., 20  
.....

.....

Magistrate

FORM NO. 6

Received on redemption of pledge No.

Amount of loan .....

Profit .....

Total .....

Receipt

(Date)

.....

A.B.

Pawnbroker

Third Schedule

PROFIT AND CHARGES ALLOWED TO PAWNBROKERS

[Section 17]

## PART ONE

### PROFIT ON LOAN

On any loans made under this Act, For any time during which the pledge remains in pawn, not exceeding one month, for every five thousand cedis or fractional part of that lent, ten pesewas. For every month after the first, including the current month in which the pledge is redeemed although that month is not expired, for every five thousand cedis, or fractional part of that lent, ten pesewas.

#### Proviso

In cases where the loan does not exceed one hundred thousand cedis if the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall in respect of those fourteen days or any period less than fourteen days, be entitled to take half of the amount which he would be entitled to take for the whole month.

## PART TWO

### CHARGE ON PAWN-TICKET

Where the loan is twenty five thousand cedis or under, ..... ten pesewas



y

,p

Where the loan is above twenty five thousand cedis, .....

twenty

pesewas

### PART THREE

#### CHARGE ON FORM OF DECLARATION

For the inspection of the entry of a sale ..... , twenty pesewas.

### PART FOUR

#### CHARGE ON FORM OF DECLARATION

Where the loan is fifteen thousand cedis, or under ..... ten pesewas.

Where the loan is above fifteen thousand cedis, ..... twenty pesewas.

## RULE

This sum to be paid by the applicant at the time of application.

### Fourth Schedule

## REGULATIONS AS TO AUCTIONS OF PLEDGES ABOVE TEN THOUSAND CEDIS

[Section 21]

1. The auctioneer shall cause all pledges to be exposed to public view.
2. The auctioneer 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; and
  - (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 the pledges of any other  
pawnbroker.
4. The auctioneer shall insert in a public newspaper an advertisement giving notice of the sale,  
and  
stating,
  - (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 three 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 the auctioneer takes the biddings of other persons at the same sale; and the auctioneer, on

knocking down an 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 a part of the catalogue that relates to the pledges of that pawnbroker, filled up with the

amounts for which the several pledges of that pawnbroker were sold, and authenticated by the signature

of the auctioneer.

8. The pawnbroker shall preserve the catalogue for at least three years after the auction.

Endnotes

1 (Popup - Footnote)

1. The Act was enacted as the Pawnbrokers Ordinance, 1939 (No. 18 of 1939) Cap. 189 of the 1951 Edition of

the Laws of the Gold Coast. It came into force on the 1st July, 1940. It was applied to the Colony and Ashanti by

Proclamation No. 4 of 1940.

