THE UNITED REPUBLIC OF TANZANIA

No. 17 OF 1965

An Act to prohibit the Business of Pawnbroking

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Pawnbroking (Prohibition) Act, 1965. Short title

2.-(1) Subject to subsection (2) of this section, in this Act- Interpretation and exclusion

"the business of a pawnbroker" means the business of taking goods
in pawn as security for a loan of money or the grant of credit
facilities, and includes the business of a keeper of a shop described
(with the deletion of the limit of four hundred shillings) in sub-
section (1) of section 3 of the Pawnbrokers Ordinance;

"the Minister" means the Minister for the time being responsible for
finance.

(2) Nothing in this Act shall apply to-

(a) the taking of goods in pawn as security for a loan, or for the
grant of credit facilities, exceeding one thousand shillings, or to
the pledge in or the parties to any such transaction; or

(b) to any pledge which, before the commencement of this Act,
became the absolute property of a person to whom it was pawned.

3.-(1) Subject to subsection (3) of this section, no person shall carry on the business of a pawnbroker. Pawnbroking prohibited

(2) Any person who contravenes the provisions of subsection (1)
shall be guilty of an offence and shall be liable on conviction to a fine
not exceeding two thousand shillings or to imprisonment for a term not
exceeding three months or to both such fine and imprisonment.

(3) For the avoidance of doubt, it is hereby declared that nothing in
subsection (1) shall apply to any dealing with or in relation to a pledge
taken in pawn before the commencement of this Act.
4. Subject to the provisions of section 5-
   (a) where, on the commencement of this Act, any person holds any
       pledge in pawn, he may deal with and in relation to such pledge
       in any manner authorized by law; and
   (b) without prejudice to the generality of paragraph (a), the provisions
       of the Pawnbrokers Ordinance shall continue to apply to and
       in relation to-
       (i) any pledge which, being a pledge to which the Pawnbrokers
           Ordinance applies, is held in pawn on the commencement
           of this Act; and
       (ii) any person who is subject to that Ordinance as a pawnbroker
            or a pawner in respect of any such pledge.

5.-(l) Notwithstanding the provisions of the Pawnbrokers Ordinance,
    the Law of Contract Ordinance or any other rule of law, or of
    any contract of pledge, no person who carried on the business of a
    pawnbroker before the commencement of this Act, nor any personal
    representative of any such person, shall, on or after the commencement
    of this Act-
    (a) obtain any absolute property in any pledge taken in pawn before
        the commencement of this Act as security for a loan of fifteen
        shillings or under, until the expiration of the period prescribed
        by subsection (1) of section 12 of the Pawnbrokers Ordinance
        or the thirtieth day of June, 1965, whichever is the later;
    (b) sell or otherwise dispose of any other pledge taken in pawn
        before the commencement of this Act, except at an auction held
        on a day appointed by the Minister in accordance with subsection
        (2) or (3), or by redelivery on redemption,
    and until the expiration of the appropriate period, or such date or
    auction, as the case may be, a pledge held in pawn on the commence-
    ment of this Act shall continue to be redeemable.

    (2) The Minister may, by notice in writing to any person who carried
    on the business of a pawnbroker before the commencement of this Act
    or to any personal representative of any such person, appoint a day
    not earlier than the first day of July, 1965, for the auction of any pledges
    pawned for more than fifteen shillings which are then held by such
    person or representative, and an auction of all such pledges held by
    that person or representative shall be held on that day (or on such
    other day as the Minister may substitute therefor) notwithstanding
    that any period of redemption shall not then have expired.

    (3) If the Minister shall not have appointed a day for the holding
    of an auction within one year after the commencement of this Act
    in respect of any such person or representative aforesaid, such person
    or representative may, by notice in writing to the Minister, require the
    Minister to appoint a day for such purpose, and the Minister shall
    thereupon appoint a day within three months of the receipt of the
    notice, and an auction of all pledges pawned for more than fifteen
    shillings which are then held by that person or representative shall
    be held on that day (or on such other day within such period of three
    months as the Minister may substitute therefor).
(4) The Minister may appoint a person in the service of the United Republic to supervise an auction and, subject to the supervision of such a person, the arrangements for every such auction shall be made, and every such auction shall be held, in accordance with the provisions in that behalf of the Pawnbrokers Ordinance.

(5) Notwithstanding section 7 of the Pawnbrokers Ordinance, this section and sections 18 and 19 of the Pawnbrokers Ordinance shall apply to and in relation to pledges taken in pawn for loans of more than four hundred shillings and to the persons to whom they were pawned as they apply to pledges taken in pawn for more than fifteen shillings and to pawnbrokers.

6.- (1) Sections 31, 32, 33 and of the Pawnbrokers Ordinance and the Fourth and Fifth Schedules thereto are hereby repealed.

(2) The unrepealed provisions of the Pawnbrokers Ordinance shall expire on the fourth anniversary of the commencement of this Act.

Passed in the National Assembly on the eighteenth day of March, 1965.

[Signature]
Clerk of the National Assembly

Printed by the Government Printer, Dar es Salaam.