



ST. CHRISTOPHER AND NEVIS

CHAPTER 23.13

METALS ACT

Revised Edition
showing the law as at 31 December 2017

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This edition contains a consolidation of the following laws—

METALS ACT

Act 15 of 1899 ... in force 23rd December 1899
Amended by: Act 4 of 1976
Act 6 of 1976
Act 7 of 1976
Act 9 of 1986
Act 17 of 2012

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CHAPTER 23.13

METALS ACT

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CHAPTER 23.13

METALS ACT

AN ACT TO REGULATE THE BUYING AND SELLING OF IRON, COPPER, LEAD, BRASS, ZINC, PEWTER OR OTHER METAL; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

1. This Act may be cited as the Metals Act.

Interpretation.

2. In this Act, unless the context otherwise requires—

“metal” includes scrap metal, copper and other nonferrous metals not containing significant quantities of iron or steel, including, without limitation, copper, copper alloy, copper utility or communications service wire, brass, aluminium, bronze, lead, pewter, zinc, nickel and alloys thereof;

“Minister” means the Minister responsible for Trade;

“scrap metal” includes used or discarded metal suitable for reprocessing.

(Inserted by Act 17 of 2012 and sections following renumbered accordingly)

No one to purchase iron, etc., except from certain persons.

3. No person, without having obtained a licence under the hand of the Minister, in the form set forth in the First Schedule, shall purchase any iron, copper, lead, brass, zinc, pewter or other metal from any person, other than and except from the following persons, that is to say—

- (a) the owner or person in charge of any plantation or estate;
- (b) a person whose ordinary regular or general calling, trade or business it is to deal in, work, or use for his or her calling, trade or business, any of such metals;
- (c) a person who shall have obtained and shall for the time being have a licence required and to be granted under the provisions of this Act for the purpose of exporting the same or selling it in the State.

Grant of licence.

4. The Minister may, upon receipt of an application in writing, grant a licence for trading in, purchasing or otherwise lawfully dealing in metal upon such terms and conditions as shall be prescribed.

(Substituted by Act 17 of 2012)

Signboard over door of licensed dealer.

5. Over one of the principal entrances to the store, warehouse or room of any person having any such licence as aforesaid, there shall be placed a board on which shall be printed in legible letters of at least two inches in length, the name in full of the person having such licence, and the words “Licensed Metal Dealer.”

Licence to be void on violation of any provision of this Act.

6. If any person to whom any such licence as aforesaid shall have been granted shall in any way whatsoever violate or fail to observe, or perform, or assist in or be a

party to the violation or non-observance or non-performance of any of the provisions or requirements of this Act, such licence which he or she may then have shall be revoked and become null and void beyond and besides any other penalties or punishment to which such persons may under the provisions of this Act be liable.

Licensed dealer to keep a book.

7. (1) Every person to whom a licence is granted under the provisions of this Act shall keep a book, in which he or she shall legibly enter in ink the date, and hour of the day, when any of the metals specified in this Act or any other kind or description of metals, except gold, platinum or silver, are purchased or received, the name in full, the residence, age, and occupation of the person from whom any such metals as aforesaid are purchased or received, the quantity purchased or received and the price paid for the same.

(2) Every such entry as aforesaid shall be made at the time of such sale, purchase or dealing and shall be signed by the person having such licence, or his or her agent, and by the vendor, or his or her agent.

(3) No person shall purchase or receive any such metals as aforesaid except between the hours of 8 o'clock in the morning and 6 o'clock in the evening.

(4) No person shall purchase or receive any such metals as aforesaid from any person apparently under the age of sixteen years.

(5) No person shall employ any servant, apprentice, or other person under the age of sixteen years to purchase or receive any such metals as aforesaid.

(6) All such metals purchased or received as aforesaid, shall be kept without being in any way changed in form or shape or disfigured for a period of at least six weeks after such metals shall have been purchased or delivered.

(7) No such metals as aforesaid shall be purchased or received at any one time in any quantity of less than twenty-five pounds.

Revenue officer, inspector or sergeant of police may inspect book and demand explanation.

8. It shall be lawful for any revenue officer or inspector or sergeant of police at any time to inspect any such book as aforesaid, and the person having such licence, or his or her representative, or the person in charge of the store or warehouse in which such book is kept, or the person in whose custody and charge such book is, or the person who shall have made any entry therein, with respect to which any such revenue officer, inspector, or sergeant of police may desire to ask any questions, shall permit such revenue officer, inspector, or sergeant of police to inspect such book, and shall answer all such questions as shall be asked by such revenue officer, inspector, or sergeant of police with reference to such book in any of the contents or entries therein.

No person to export iron, etc., without permit.

9. No person shall export from the State any iron, copper, lead, brass, zinc, pewter, solder or other metals without having obtained a permit under the hand of the Minister in the form set forth in the Second Schedule authorising the exportation of any such metal and in every such permit shall be expressed and contained the name in full of the person to whom such permit is granted, the description and quantity of each and any metal for the exportation of which such permit is sought and the date at which the same is applied for; and the person applying for such permit shall make a

declaration in writing that he or she is the owner of the metal for the exportation of which he or she applies for such permit or that he or she has a right to export the same, and in the latter case, how and in what capacity he or she has such right.

Minister may refuse permit under certain conditions.

10. (1) In the event of the Minister having any reason to believe that any metal for the exportation of which such permit as aforesaid is sought has not been lawfully come by, he or she shall be at liberty to refuse to grant such permit until such application for the same has fully satisfied him or her that such metal has been lawfully come by.

(2) For every such permit shall be paid by such applicant the sum of twenty-four cents and such permit shall only be in force for seven days and the metal thereby authorised to be exported must be exported within seven days from the day of the date of such permit and only for and in the vessel for which the same shall be granted:

Provided that the permit so obtained shall be lodged at the Treasury before the exportation of such metal.

(Amended by Act 17 of 2012)

No metal to be purchased, etc., without a declaration of ownership by seller.

11. No person shall purchase or take in exchange or barter any metal whatsoever without at the same time demanding and taking from the person selling, exchanging or bartering such iron, copper, zinc, brass, pewter, solder, or other metal a declaration in writing by the person selling, exchanging or bartering such metal, that he or she is owner of or that he or she has a right to sell such metals, and if the latter case, how or in what capacity he or she has such right to sell, exchange or barter the same.

Stealing of scrap metal.

12. A person who steals or unlawfully appropriates scrap metal commits an offence and is liable on summary conviction to a term not exceeding two years' imprisonment or to a fine not exceeding ten thousand dollars.

(Inserted by Act 17 of 2012)

Penalty for persons making false declarations.

13. Any person who wilfully or corruptly makes any false declaration in cases or under any circumstances required by this Act as to any matters or thing required by, under or for the purpose of this Act commits an offence and shall be liable, on summary conviction, to a term not exceeding two years' imprisonment or a fine not exceeding ten thousand dollars.

(Amended by Act 17 of 2012)

Penalties.

14. Every person who does or omits to do anything which is by this Act forbidden or required to be done, or assaults, resists, opposes, hinders, prevents, or obstructs any person acting under and by the authority of this Act or in any way violates or assists in or be party to the violation of any of the provisions of this Act shall be liable, on summary conviction, to pay a fine not exceeding five thousand dollars.

(Amended by Acts 7 of 1976, 9 of 1986 and 17 of 2012)

Application of fees and penalties.

15. All sums paid for licences or permits granted under this Act and all penalties and fines paid and recovered under this Act shall be paid into the Consolidated Fund for the public uses of the State.

(Amended by Act 17 of 2012)

Regulations.

16. (1) The Minister may make regulations for the purpose of giving effect to the provisions of this Act.

(2) Notwithstanding the generality of subsection (1), the Minister may make Regulations—

- (a) for any matters stated or required by this Act to be prescribed;
- (b) specifying the terms or conditions on which a licence may be issued;
- (c) prescribing fees or charges that may be incurred pursuant to the administration of this Act.

(Inserted by Act 17 of 2012)

Offences in regulations.

17. Any person who acts in contravention of any Regulations made pursuant to this Act commits an offence and shall be liable on conviction to imprisonment for a term of six months or to a fine not exceeding two thousand dollars or to both such fine and imprisonment.

(Inserted by Act 17 of 2012)

FIRST SCHEDULE

(Section 3)

A.B. is authorised and licensed to be a general dealer in and to purchase iron, lead, brass, zinc, or other metals in accordance with the provisions of the Metal Act.

Dated the day of 20

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Minister.

SECOND SCHEDULE

(Section 9)

A.B. is authorised and may export from the State.

Dated the day of 20

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Minister.
