



ENHANCED ADMINISTRATION AND ENFORCEMENT OF COMPLIANCE TO THE SECOND-HAND GOODS ACT, 2009 (ACT NO 6 OF 2009)

**Do you have knowledge of the Second-
Hand Goods Act?**

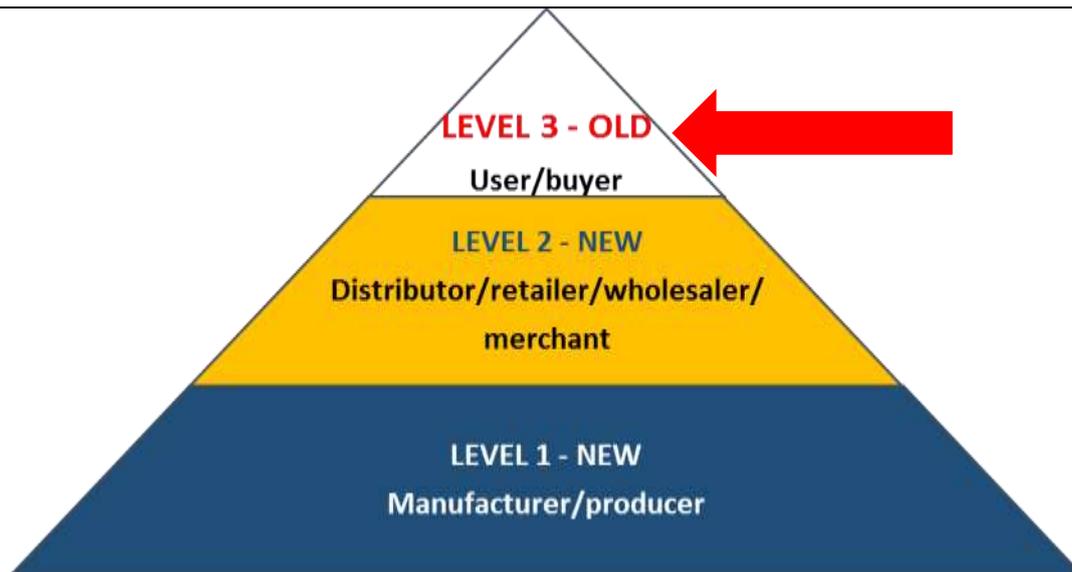


**Introduction and
Purpose of the Act**

The Second-hand Goods Act, 2009 (Act No 6 of 2009) came into operation on 30 April 2012 and aims to:

- Regulate the business of **dealing in second-hand goods and pawnbrokers**;
- **Combat the trade in stolen goods**; and
- **Promote ethical standards** in the second-hand goods trade.

At which level of the life cycle of new goods, can goods be considered to be old (used/second-hand)?



SECOND-HAND GOODS

Means goods that have been in use by a person other than the manufacturer or producer thereof or a person trading therein for such a manufacturer or producer in the course of business, but does not include goods with a value of less than R100.

GOODS

Means any goods specified in Schedule 1 of the Act, but does not include firearms or ammunition as defined in the Firearms Control Act, 2000 (Act No 60 of 2000) or clothing, and refers to the following:

Motor vehicle or any part or accessory thereof	Tyres of any vehicle or motorcycle	Vehicles or any part or accessory thereof, for example boats, caravans, trailers
Bicycles or any part or accessory thereof	Household and office equipment	Sporting equipment
Communication equipment or any part or accessory thereof	Shop-fitting equipment.	Factory equipment and machinery or any part or accessory thereof
Photographic or optical instruments or any part or accessory thereof	Jewellery, including unwrought precious metal as defined in the Precious Metals Act, 2005 (Act No. 27 of 2005).	Agricultural implements, including tractors, ploughs and harvesters, irrigation equipment or any part or accessory thereof
Antique goods	Valuables	Books
Any controlled metal, or any wrought article, or any article or substance consisting wholly or principally of one or more of such metals		

CONTROLLED METAL

Includes 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.

DEALER

Means any person that carries on a business of dealing in second-hand goods and includes scrap metal dealers and pawnbrokers. Other dealers may include: vehicle dealers/auctioneers/panel beaters/general dealers/scrap metal recyclers.

DEAL-IN

Includes acquiring and disposing of second-hand goods (by any means).

Application

The Second-Hand Goods Act, 2009 (Act No 6 of 2009) thus requires that **all persons who carries on a business of dealing in second-hand goods must register with the South African Police Service.**

Any **dealer who engages in the business of recycling controlled metal** must, besides being registered as a dealer, **also register as a recycler.** A recycler is a person who processes controlled metal by melting, smelting or granulating as part of the recycling process.

It must be noted that individuals who utilise electronic platforms on the internet (such as OLX, Bid-or-Buy, Gumtree), or printed media (such as Junkmail or other local or national newspapers), who acquire and dispose of goods for a profit are included, and must also be registered.

It is important to note that a person who only disposes of his or her privately owned used goods as a “once-off” on such platforms (or for example a “garage sale”), does not resort under the Act and therefore do not have to register as a second-hand goods dealer.

In addition, a person that trades in second-hand clothing is also not required to be registered as a second-hand goods dealer due to the fact that it does not resort under the Act.