



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

### What are the different Categories of Second-Hand Goods Dealers?



#### Categories of Second-Hand Goods Dealers

Regulation 4(4) of the Regulations for Dealers and Recyclers, 2012 as gazetted in Government Gazette No R 35220 dated 3 April 2012, determines that the activities of a second-hand goods dealer may be described on the registration certificate as follows:

- **General dealer**
- **Auctioneer**
- **Jeweller**
- **Motor vehicle dealer**
- **Scrap metal dealer**
- **Recycler**

### Application

#### GENERAL DEALER

A general dealer in the second-hand goods environment includes any of the following sub-categories:

- **Pawn broker (pawn shop)**

- **Book dealer**
- **Communications equipment dealer (for example cellular phones)**
- **Antique dealer**
- **Charity organizations** (unless such organization is registered as a non-profitable organization with SASSA)



## **AUCTIONEER**

An Auctioneer can be defined as a person who conducts auctions by accepting bids and declaring goods sold.

The provisions of the Second-Hand Goods Act, 2009 do not apply to an auctioneer who disposes of goods by way of public auction authorised by a warrant of execution under a judgement or order of a court of law.

## **JEWELLER**

A jeweller dealing in second-hand jewellery can be defined as a person or company that manufactures and/or sells second-hand jewellery.

A jeweller must obtain a permit under the Precious Metals Act, 2005 (Act No 37 of 2005), in addition to being registered as a Second-Hand Goods Dealer under the Second-Hand Goods Act, 2009 (Act No 6 of 2009).

A jeweller that melts or smelts controlled metal, such as gold or platinum only require a refining licence issued in terms of the Precious Metals Act, 2005 and DO NOT require to be registered as a recycler in terms of the Second-Hand Goods Act, 2009.

## **MOTOR VEHICLE DEALER**

A motor vehicle dealer is any person who is engaged in the business of buying, selling, or exchanging **used** motor vehicles or motor vehicle parts and includes any of the following sub-categories:

- **Tyre dealers**
- **Motor vehicle parts dealer**
- **Panel beater** (only when utilizing second-hand parts to conduct repairs)
- **Vehicle or vehicle parts dealers** (such as caravans, trailers, boats, ships)



## **SCRAP METAL DEALER**

A scrap metal dealer is **any person who conducts a business in dealing in any used, broken, worn out, defaced or partly manufactured goods made wholly or partly of non-ferrous or ferrous metals, lead or zinc or any substance of metallic waste or dye made of any of the materials commonly known as hard metals or of cemented or sintered metallic carbides.**

Items made wholly out of ferrous metals (metal other than controlled metal) do not have to be recorded in a second-hand goods dealers register unless such ferrous goods is identifiable as one of the goods, or derivatives of the goods, mentioned in Schedule 1 of the Second-Hand Goods Act, 2009 (Act No 6 of 2009).

## **RECYCLERS**

A Recycler is any person who **conducts a business in recycling scrap metal by means of melting, smelting, granulating, shredding, dismantling, sorting, grading, cutting or preparing, either by hand or by the use of specialized plant, machinery and equipment,** for use by consuming works such as foundries, mills, smelters, refiners and/or manufacturers.

In terms of the Second-Hand Goods Act, 2009, a **person who engages in the recycling of any controlled metal listed in Schedule 2 of the Second-Hand Goods Act, 2009 must apply to be registered as a recycler,** in addition to having to be registered as a second-hand goods dealer.

A recycler for purpose of the Second-Hand Goods Act, 2009, will **exclude any person who conducts a business in recycling paper, plastic, glass or animal products.**