

FREQUENTLY ASKED QUESTIONS

Q1 How soon can my registration be processed?

A1 The processing time is about 2 weeks from the receipt of the registration form and all supporting documents.

Q2 If I deal in scheduled goods, how do I know if I can qualify for exemption under the new law?

A2 To qualify for exemption, dealers must be free from criminal convictions for offences under the Act or those associated with dishonesty or fraud. They should also not be under Police investigation for the same offences.

Q3 Will the list of scheduled goods always remain the same?

A3 The list of scheduled goods may be revised based on crime trends. If there are changes of this nature, it will be published in the Government Gazette and the changes will be carried in the media. In addition, Police will also inform existing dealers.

Q4 If I deal in scheduled goods and my business does not operate from a shopfront, will my business be regulated under the new law?

A4 It is important to note that under the new law, a dealer who deals in scheduled goods would be required to register with the Police Licensing Division whether or not he operates his business from a physical shop front or space. For example, dealing in “scheduled goods” over the Internet, at makeshift stalls or from a vehicle would require a licence. This includes the rag-and-bone man dealing in scheduled goods. If one is merely selling-off his personal property (not for purposes of commercial gain) and/ or the buying items for personal consumption, he does not have to register with the Police.

Q5 I understand from newspaper reports that metal theft is a concern. Will there be any special regulatory requirements on scrapmetal dealers?

A5 Yes, scrapmetal dealers will be required to make purchases of scrapmetal (within the description of items 9, 10, 11 under the list of scheduled goods) via crossed cheques. The bank and the cheque number must be properly recorded by the dealer.

Q6 Can an exempted dealer lose his exempted status if he commits a regulatory infringement?

A6 A dealer may face a composition fine or stand to have his exempted status withdrawn, or, face prosecution in more serious cases, if he breaches any requirements under the Act.

Q7 Do I have to inform Police if there are any changes to my business particulars?

A7 Dealers are obliged to inform Police Licensing Division within 7 days of any change in any information that is captured on the licence or Police's records at the time of the dealer's registration (this includes but is not limited to changes to the type of scheduled goods that a licensee is dealing in) or termination of their business. For any new appointment to its board of directors, management committee, board of trustees or other governing body, Police's approval must be sought. Failure to do so is an offence under the Act.

Q8 Will the Police provide dealers a template for transaction record keeping?

A8 Yes, the transaction record keeping template can be downloaded at <http://www.spf.gov.sg/licence>. You may also request for it to be sent to you via post.

Q9 If I am running my business with several branches, do I have to register for each branch?

A9 Yes, you will need to register for each branch.

Q10 Why is the keeping of personal particulars and transaction records of sales and purchases of secondhand goods so important?

A10 Dealers are required to document the personal particulars of the other party in each and every transaction. These records would help Police investigations when crimes are reported.

Q11 How will Police decide which dealers should submit records and how should such records be submitted?

A11 In general, dealers with a poor compliance record would be called upon to submit their transaction records for inspection more often than others.

Q12 Is a registration or licence required if one deals with secondhand goods through the Internet?

A12 If you are dealing with secondhand goods through the Internet or have your own Internet portal for the purposes of promoting your own business of trading in secondhand goods, you will need to register like all other dealers operating via a physical shopfront. If you are selling your own personal items in small quantities, you will not be required to register. Website operators who only provide a platform for the auction and/or trading of secondhand goods are not required to be regulated.

Q13 Am I required to display my licence at my premises where secondhand dealing takes place?

A13 You are not required to display your licence. However, you should have it ready for inspection at any time by any Magistrate, Justice of Peace, the Licensing Officer or a police officer. For exempted dealers, you should have your notification of being approved as an exempted dealer ready for inspection if checked.

Q14 What are the offences and punishments under the Secondhand Goods Dealers Act?

A14 All secondhand goods dealers whether exempted or licensed will have to abide by the following provisions under (A) the main Act and (B) its regulations. The punishment for non-compliance is given in (C).

(A) Provisions under the Main Act

Dealing in secondhand goods

4.—(1) No person shall deal in secondhand goods except under and in accordance with the conditions of a licence issued.

Issuance, renewal and conditions of licence

5.—(7) Any person who, in making an application for a licence –

(a) makes any statement or furnishes any particulars, information or document which he knows to be false or does not believe to be true; or

(b) by the intentional suppression of any material fact, furnishes any information which is misleading,

shall be guilty of an offence

Transfer of licence

7.—(1) No person shall transfer his licence to another person except with the consent of the Licensing Officer and upon payment of the prescribed fee.

Keeping proper records

10. —(1) Every secondhand goods dealer shall keep in his shop —

(a) records of the particulars of all goods bought by him, including the dates of purchase, the names and addresses of the persons from whom he bought the goods and such other particulars as may be prescribed; and

(b) records of the particulars of all goods sold by him, including the dates of sale, the names and addresses of the persons whom he sold the goods to and such other particulars as may be prescribed.

(2) Every secondhand goods dealer shall submit to the Licensing Officer the records referred to in subsection (1) at such time and in such format and through such medium (whether electronic or otherwise) as the Licensing Officer may require.

(3) Every secondhand goods dealer shall retain the records referred to in subsection (1) for a period of not less than 5 years from the end of the financial year in which the transactions or operations to which those records relate are completed.

(4) Subsection (3) shall also apply in relation to any record kept under section 10 of the Secondhand Dealers Act (Cap. 288) in force immediately before the appointed day.

(5) Every secondhand goods dealer shall produce the records referred to in subsection (1) for examination at any time on demand by any Magistrate, Justice of the Peace, the Licensing Officer or a police officer.

(6) Any person who —

(a) contravenes subsection (2), (3) or (5); or

(b) in compliance or purported compliance with subsection (2), (3) or (5), fabricates, keeps, submits or produces to the Licensing Officer or to a Magistrate, Justice of the Peace or police officer, any record which he knows is false or misleading,

shall be guilty of an offence.

Information of stolen and lost property to be given to secondhand goods dealers

11. —(1) Where a police officer has received any information as to any stolen property or as to any property which has been lost, he may, if he thinks it necessary or expedient to assist in the recovery of the property, disseminate the information to all secondhand goods dealers, with lists and descriptions of the stolen or lost property.

(2) If any secondhand goods dealer possesses any property fitting such lists and descriptions referred to in subsection (1) or such property is thereafter offered to or shown to any secondhand goods dealer —

(a) he shall, without unnecessary delay, make a report to any police officer, with the name and address of the person in whose possession the property was seen; and

(b) he may detain the person offering or showing him such property until the arrival of a police officer.

(3) Any person who contravenes subsection (2) (a) shall be guilty of an offence.

(B) Provisions under the Regulations

Change of particulars

5.—(1) A secondhand goods dealer shall not, without the prior written approval of the Licensing Officer, change —

(a) the name or style under which he carries on business or the address of the place at which he so carries on business as a secondhand goods dealer;

(b) any Uniform Resource Locator (URL) or email address that is used for the purpose of his business as a secondhand goods dealer;

(c) the place of storage of the secondhand goods which are to be sold or which have been purchased by him in the course of his business; or

(d) the types of secondhand goods which he deals in.

(2) A secondhand goods dealer that is a body corporate shall obtain the prior written approval of the Licensing Officer for any new appointment to its board of directors, management committee, board of trustees or other governing body.

(3) If any particulars (not being those referred to in paragraph (1)) included in the licence application by a secondhand goods dealer to the Licensing Officer change, the secondhand goods dealer shall, within 7 days of the change taking place, notify the Licensing Officer of the change in the appropriate form.

(4) A secondhand goods dealer who, without reasonable excuse, contravenes paragraph (1), (2) or (3) shall be guilty of an offence.

Duty to notify Licensing Officer of cessation of business

6.—(1) Where a secondhand goods dealer ceases to carry on business as a secondhand goods dealer, he shall, within 7 days after the date of the cessation —

(a) notify the Licensing Officer of the cessation in the appropriate form; and

(b) surrender his licence (if any) to the Licensing Officer for revocation.

(2) A secondhand goods dealer who contravenes paragraph (1) shall be guilty of an offence.

Transaction records

7.—(1) For the purposes of section 10(1) of the Act, every secondhand goods dealer shall keep in his shop in the appropriate form records of the following particulars:

(a) with respect to each of the secondhand goods purchased or sold by him —

- (i) the date of the purchase or sale;
- (ii) the description of the goods (including the brand, make and model, if any);
- (iii) the serial number of the goods (if any) and, in the case of mobile phones, the International Mobile Equipment Identity (IMEI) number;
- (iv) the price at which he purchased or sold the goods;
- (v) the estimated market or retail value of the goods; and
- (vi) the source of the goods;

(b) with respect to every person from whom he purchased or to whom he sold the secondhand goods —

- (i) the person's name;
- (ii) the person's identification number (such as NRIC number, foreign identification number, passport number or business registration number);
- (iii) the person's residential or business address
- (iv) the person's nationality;
- (v) the person's gender; and
- (vi) in the case of the holder of a foreign passport, the person's date of birth;

(c) with respect to any item purchased by him falling within the description of item 9, 10 or 11 in the Schedule to the Act —

- (i) the weight of the item; and
- (ii) the number of the cheque by which payment was made to the seller of the item, and the bank on which the cheque is to be drawn; and

(d) with respect to any pawn ticket purchased or sold by him —

- (i) the number of the pawn ticket; and
- (ii) the items described on the pawn ticket.

(2) A secondhand goods dealer shall record the particulars referred to in paragraph (1) in respect of each of the secondhand goods purchased or sold by him as soon as practicable after, but within the same day of, the purchase or sale of the secondhand goods.

(3) The records kept by the secondhand goods dealer in the appropriate form under paragraph (1) shall be the records which the secondhand goods dealer must —

(a) submit to the Licensing Officer for the purposes of section 10(2) of the Act;

(b) retain for the purposes of section 10(3) of the Act; and

(c) produce to a Magistrate, a Justice of the Peace, the Licensing Officer or a police officer for the purposes of section 10(5) of the Act.

(4) A secondhand goods dealer who contravenes paragraph (1) or (2) shall be guilty of an offence.

Duties of secondhand goods dealer before purchasing or selling secondhand goods

8.—(1) Every secondhand goods dealer shall, before purchasing any secondhand goods from or selling any secondhand goods to any person —

(a) require that person to present his original identification document to the secondhand goods dealer; and

(b) check the original identification document to ensure that —

(i) it is valid; and

(ii) there are visual similarities between that person and the person depicted in the photograph attached to the original identification document

(2) A secondhand goods dealer who contravenes paragraph (1) shall be guilty of an offence.

(3) In paragraph (1), “original identification document”, in relation to a person, means —

(a) if the person is a citizen of Singapore or a Singapore permanent resident, his identity card issued under the National Registration Act (Cap. 201); or

(b) if the person is not a citizen of Singapore or a Singapore permanent resident, his passport and either —

- (i) a work pass issued to him under the Employment of Foreign Manpower Act (Cap. 91A); or
- (ii) a pass issued to him under the Immigration Act (Cap. 133).

Special requirements relating to the purchase of certain metallic items

9.—(1) Where a secondhand goods dealer purchases any item that falls within the description of item 9, 10 or 11 in the Schedule to the Act, he shall not use any mode of payment other than a crossed cheque to pay for the purchase.

(2) A secondhand goods dealer who contravenes paragraph (1) shall be guilty of an offence.

Discovery of stolen goods

10.—(1) If a secondhand goods dealer discovers any stolen goods among the secondhand goods in his possession, he shall retain the stolen goods and, without undue delay, report his discovery of the stolen goods to the police.

(2) A secondhand goods dealer who contravenes paragraph (1) shall be guilty of an offence.

(C) Punishment

If a dealer is found to run his business in breach of licensing conditions or in breach of the provisions of the Act and its regulations, he may be liable to a composition fine of up to S\$2,000 or if charged in court and upon conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.