

CHAPTER 228

THE GOLDSMITHS AND SILVERSMITHS ACT

[PRINCIPAL LEGISLATION]

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SCHEDULE

CHAPTER 228

THE GOLDSMITHS AND SILVERSMITHS ACT

An Act to make provision for the control of the business of goldsmiths and silversmiths.

[29th October, 1937]

Ords Nos.
25 of 1937
37 of 1953
[R.L. Cap. 228]
Act No.
33 of 1964

Short title 1. This Act may be cited as the Goldsmiths and Silversmiths Act.

Interpretation 2. In this Act, unless the context otherwise requires-

Ord. No. “authorised officer” means the district officer, any officer of
37 of 1953 s. 2; the Mines Division of the ministry responsible for mines
Act No. and wildlife and any police officer not below the rank of
33 of 1964 s. 16 assistant superintendent;
“business of a goldsmith and silversmith” means the making
of articles containing gold or silver whether for sale or
reward or otherwise;
“goldsmith and silversmith” means any person who makes
articles or parts of articles either wholly or in part of gold
or of silver; and
“licensing officer” means the internal revenue officer for the
district.

Business of
goldsmith and
silver smith not
to be carried on
without licence 3. A person shall not carry on the business of a goldsmith and
silversmith without a licence duly issued under the provisions
of this Act.

Appointment of
licensing officers 4. The President may appoint fit and proper persons to be
licensing officers for the purposes of this Act.

Application for
licence to be
made to licensing
officer

5. Application for a licence to carry on the business of a goldsmith and silversmith may be made to the licensing officer of the district in which the applicant proposes to carry on business.

Notice of first
application

6. A person applying for the first time for a licence under this Act shall, thirty days at least before the application, give notice in writing of his intended applications to the licensing officer and shall in the notice, set forth his name and address, and the situation of the premises in which he intends to carry on business.

Provisions with
regard to licences
Ord. No.
37 of 1953 s. 3

7.—(1) Licences may be granted by the licensing officer of the district in which the business premises of the goldsmith and silversmith are situated and shall specify the name, residence and business premises of the goldsmith and silversmith and the language in which the books required by section 10 shall be kept, and every such licence shall only have effect in respect of the premises therein named.

(2) Nothing in this section render it unlawful for a goldsmith and silversmith to carry on his business at more than one place provided that a separate licence is obtained in respect of each such place.

(3) Every licence issued under this section shall be in the form set out in the Schedule to this Act and shall expire on the 31st day of December of the year in which it is granted.

(4) Licences granted under this Act shall be issued free of charge.

Cap. 208

(5) Nothing in this section shall be deemed to exempt the holder of a goldsmith's and silversmith's licence from the provisions of the Business Licensing Act or any law for the time being in force relating to business licensing.

Refusal of licence

8. The licensing officer may, in his discretion, refuse to grant a goldsmith's and silversmith's licence but it shall be lawful for the President on petition by the applicant and after considering any representations he may direct the licensing officer to grant a licence:

Provided that, if such refusal is in the case of a renewal of a licence, the licensing officer shall, if so required, state his reasons in writing.

Duty of licensee to have signboard outside licensed premises
Ord. No.
37 of 1953 s. 4

9.—(1) Every holder of a licence issued under this Act shall keep in a conspicuous position outside the licensed premises a signboard inscribed in legible letters at least three inches high with his name and the words “licensed goldsmith and silversmith”.

(2) A person who contravenes the provisions of subsection (1), on conviction, shall be liable to a fine not exceeding two hundred shillings or to imprisonment for one month or to both and on any subsequent conviction, the court may, in addition to the aforesaid penalty, order his licence to be forfeited.

Keeping and production of books
Ord. No.
37 of 1953 s. 5

10. Every licensed goldsmith and silversmith shall—

- (a) keep a book or books in the Kiswahili or English language in roman characters recording in respect of every purchase, receipt, sale or disposal by him of gold, silver or any article or matter containing gold or silver—
 - (i) the date of purchase, receipt, sale or disposal thereof;
 - (ii) the name and address of the vendor, supplier, purchaser or recipient thereof; and
 - (iii) the description and weight thereof and the price or other consideration paid or received in respect thereof;
- (b) at the close of each day’s business, draw in the book a line in ink across the page immediately below the last entry for the day and make an entry showing the total stock of gold, silver and any article or matter containing gold or silver held at the close of business on that day; and
- (c) produce such books upon demand for the inspection of any authorised officer.

Production of stocks of gold and silver

11. A licensed goldsmith and silversmith shall, upon demand, produce for the inspection of any authorised officer, his stocks of gold and silver and all articles or matter containing gold or silver.

Licensed
goldsmiths and
silversmiths to
deal in gold and
silver only during
certain hours
Ord. No.
37 of 1953 s. 6

12. The holder of a goldsmith's and silversmith's licence shall not buy, sell, deal in, receive either as principal or agent or melt any gold or silver or any matter containing gold or silver intended to be used in the business of a goldsmith and silversmith between the hours of 7 p.m. and 7 a.m., or at any other place than on the premises specified in his licence:

Provided that, subject to the provisions of any other law, the Commissioner of Police may, in his discretion, on the application of licensed goldsmith or silversmith, by written permit under his hand authorise such goldsmith or silversmith to conduct such business during such other hours on or before any day of festival or other special occasion and subject to such conditions to be specified in such permit as the Commissioner of Police deems fit where it appears to him that it is in the public interest to permit such extension.

Power to search
premises of
goldsmith and
silversmith
Ord. No.
37 of 1953 s. 7

13. An authorised officer who has reason to believe that a breach of the provisions of this Act is being or has been committed may without a warrant, at any time, search the premises or residence of any goldsmith and silversmith for the purpose of ascertaining what gold, silver or other matter containing gold or silver there is therein.

Penalty for
carrying on
business of gold-
smith and silver-
smith without
licence

14. A person carrying on the business of a goldsmith and silversmith without a licence, commits an offence and on conviction shall be liable to a fine not exceeding one thousand shillings or to imprisonment for six months or to both.

Penalties
Ord. No.
37 of 1953 s. 8

15. A licensed goldsmith and silversmith who contravenes or fails to comply with any provisions of this Act for which no penalty is specifically provided and any person who obstructs any authorised officer in the lawful exercise of his powers on conviction, shall be liable to a fine not exceeding two thousand shillings or to imprisonment for one year or, to both and, in the case of a licensed goldsmith and silversmith, the court may in addition to the aforesaid penalty, order his licence to be forfeited.

Exemption of
dentists
Cap. 152

16. This Act shall not be deemed to apply to the use of any gold or silver used *bona fide* in the course of his profession by any person who is registered or licensed as a dentist under the Medical, Dental and Allied Health Professionals Act.

Exemption from
provisions of
section 14

17. Notwithstanding the provisions of this Act, it shall be lawful for the officer to authorise, by writing under his hand, any silver worker to carry on the business of making silver articles without a goldsmith's and silversmith's licence.

SCHEDULE

(Made under section 7(3))

GOLDSMITH'S AND SILVERSMITH'S LICENCE

Licence is hereby granted to of
..... to carry on the business of a goldsmith and silversmith at
(indicate and describe premises by name, situation or other particulars
of identity) until the 31st day of December, 20.....
Dated at this day of 20.....
.....
licensing officer

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