

CHAPTER 14:06

COPPER CONTROL ACT

Acts 36/1962, 48/1963, 6/1967 (s. 15), 40/1976, 22/2001 (s. 4); R.G.N.s 214/1964, 217/1970, 59/1974

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AN ACT to provide for the licensing of dealers in copper and to regulate the business of such dealers; to control the sale of copper; to make further provision for the suppression of the theft of copper; and for other matters connected with and incidental to the foregoing.

[Date of commencement: 5th October, 1962.]

1 Short title

This Act may be cited as the Copper Control Act [*Chapter 14:06*].

2 Interpretation

(1) In this Act—

“copper” means—

- (a) electrolytic copper which has been drawn into the form of a cord, flat or cylindrical in shape; (b) any copper conductor, section or tubing;
- (c) any article or product containing copper which, under subsection (2), is declared to be copper for the purposes of this Act;

and includes any such electrolytic copper, copper conductor, section or tubing, article or product which is old or second-hand or has been subjected to smelting or other treatment;

“dealer” means any person whose trade or business is that of a scrap metal dealer and who purchases or sells any copper;

“licence” means a dealer's licence issued in terms of section *four*;

“Minister” means the Minister of Home Affairs or any other Minister to whom the President may, from time to time, assign the administration of this Act;

“purchase” includes barter or exchange;

“sell” means sell, barter, exchange, hawk, offer or expose for sale.

(2) The President may, by notice in a statutory instrument, declare any article or product containing copper to be copper for the purposes of this Act.

3 Prohibition against dealing in copper without licence

Any person who carries on trade or business as a dealer otherwise than as the holder of a licence shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Section as amended by section 4 of Act 22 of 2001]

4 Dealer's licence

(1) A licence, in such form as may be prescribed, may be issued by the Minister in his discretion, upon application made in writing in such form as may be prescribed, and such licence shall entitle the holder thereof to carry on the trade or business of a dealer upon the premises specified in the licence:

Provided that nothing in this section contained shall be construed as exempting the holder of such licence from compliance with any other law relating to business and other licences.

(2) A licence shall be valid for one year from the date on which it is issued.

(3) A fee of an amount fixed by Parliament shall be paid for each licence.

(4) No person shall transfer a licence to any other person and no person, except the person to whom it is issued, shall make use of such licence.

(5) Any person who contravenes subsection (4) shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act 22 of 2001]

5 Register of transactions

(1) Every dealer shall provide and keep or cause to be kept a register consisting of one or more books (hereinafter referred to as the register) of all transactions relative to his business as such a dealer and every person who is or has been a dealer shall retain such register for a period of three years after the date of the last entry therein.

(2) There shall be entered in the register—

(a) in the case of any copper purchased or otherwise acquired by the dealer concerned—

(i) the nature and weight of such copper;

(ii) the date and time of the delivery thereof to him or his agent or employee, and where the purchase or acquisition was effected by, or delivery was made to, an agent or employee of such dealer, the name of such agent or employee;

(iii) the name and address of the person from whom such copper was purchased or acquired; (b) in the case of any copper sold or otherwise disposed of by the dealer concerned—

(i) the nature and weight of such copper;

(ii) the date on which and the name and address of the person to whom such copper was sold or otherwise disposed of;

(c) such other particulars, if any, as may be prescribed.

(3) Every entry in the register shall be made within twenty-four hours after the transaction to which it relates.

(4) Every dealer shall on demand allow any police officer to enter his place of business and to inspect the register and any books of account relating to transactions in copper kept by such dealer.

(5) Any person who—

(a) contravenes any provision of this section; or

(b) knowingly makes any false entry in the register; or

(c) gives to a dealer or to any person employed by such dealer, any false particulars concerning his name or address;

shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act 22 of 2001]

(6) Every entry in the register kept by a dealer shall be deemed, unless the contrary is proved, to have been made by or under the authority of such dealer.

6 Prohibition against sale or purchase of copper

(1) No person, other than a dealer or a licensed dealer, shall sell any copper to any other person, including a dealer or a licensed dealer, unless he produces to such other person such documentary evidence of his title to sell such copper as may be prescribed or a certificate of clearance.

(2) No person, including a dealer or a licensed dealer, shall purchase any copper from any person, other than a dealer or a licensed dealer, unless there is produced to him by such last-mentioned person such documentary evidence of his title to sell such copper as may be prescribed or a certificate of clearance.

(3) Any person who contravenes this section shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act 22 of 2001]

(4) Any person who in an application for a certificate of clearance makes a false statement shall be guilty of an offence and liable to a fine not exceeding level seven or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act 22 of 2001]

(5) The documentary evidence of title to sell copper or a certificate of clearance shall be retained by the dealer for a period of twelve months from the date of the sale.

(6) For the purposes of this section—

“certificate of clearance” means a certificate in the form prescribed issued by a commissioned police officer or police officer in charge of a police station;

“licensed dealer” means a person who is the holder of a licence or permit issued in terms of the Shop Licences Act [*Chapter 14:17*].

7 Restriction of hours during which copper may be purchased

(1) No dealer shall, by himself or by any other person, purchase or receive in the course of trade or business any copper between the hours of nine o'clock in the evening and seven o'clock in the morning.

(2) Any dealer who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act 22 of 2001]

8 Dealer to keep copper for four days

(1) Every dealer shall keep all copper purchased or received by him, without heating, burning, annealing or changing the form in which such copper was when so purchased or received or without disposing of it in any way, for a period of four days after such copper has been so purchased or received:

Provided that in any particular case a police officer may, by authority in writing and subject to such conditions as he may think necessary, permit a dealer to change the form or dispose of any copper notwithstanding that the said period of four days has not elapsed.

(2) Any dealer who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level five or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

9 Dealer to account for possession of stolen copper

Where any copper which is subsequently proved to have been stolen by any person, known or unknown, is found on any premises belonging to or in the occupation of a dealer, the dealer shall, unless he gives to the satisfaction of the court an account of how he came by the same, be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Section as amended by section 4 of Act 22 of 2001]

10 Failure to give satisfactory account of possession of copper

Any person who is found in possession of copper in regard to which there is a reasonable suspicion that it has been stolen and is unable to give a satisfactory account of such possession, shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Section as amended by section 4 of Act 22 of 2001]

11 Absence of reasonable cause for believing copper properly acquired

(1) Any person who in any manner, otherwise than at a public sale, acquires or receives into his possession from any other person copper, without having reasonable cause, proof of which shall be on such first-mentioned person, for believing at the time of such acquisition or receipt that such copper is the property of the person from whom he receives it or that such person has been duly authorized by the owner thereof to deal with or to dispose of it, shall be guilty of an offence and liable to a fine not exceeding level eight or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

[Subsection as amended by section 4 of Act 22 of 2001]

(2) For the purposes of subsection (1)—

“public sale” means a sale effected— (a) at any public market; or

(b) by any shopkeeper during the hours that his shop may, in terms of any enactment, remain open for the transaction of business; or

(c) by a duly licensed auctioneer at a public auction; or

(d) in pursuance of an order of a court of competent jurisdiction.

12 Cancellation of licence

Where any dealer is convicted of an offence under this Act the Minister may cancel the licence held by the dealer.

13 Confiscation

(1) On the conviction of a person for an offence under this Act the court may order that the copper which is the subject of such offence shall be confiscated and forfeited to the State unless some person, other than the person convicted, establishes a legal claim thereto.

14 Regulations

The Minister may make regulations for the purpose of prescribing anything which by any provision of this Act is to be prescribed.