

# BILL

No. 16

An Act to amend *The Pawned Property (Recording) Act*

(Assented to \_\_\_\_\_)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

## Short title

1 This Act may be cited as *The Pawned Property (Recording) Amendment Act, 2020*.

## SS 2003, c P-4.2 amended

2 *The Pawned Property (Recording) Act* is amended in the manner set forth in this Act.

## Long title amended

3 The long title is amended by adding “and Scrap Metal” after “Pawned Property”.

## New Part heading before section 1

4 The following Part heading is added before section 1:

“PART 1  
Preliminary Matters”.

## Section 2 amended

5 Section 2 is amended:

(a) in clause (a) in the portion preceding subclause (i):

(i) by adding “or scrap metal dealer or recycler” after “pawnbroker”; and

(ii) by striking out “or unconditional sale” and substituting “, unconditional sale or scrap metal transaction”;

(b) in subclause (b)(i) by adding “or scrap metal dealer or recycler” after “pawnbroker”;

(c) by adding the following clause after clause (c):

“(c.1) ‘non-ferrous metal’ means a metal or alloy that does not contain a significant amount of iron”; and

(d) by adding the following clauses after clause (f):

“(f.1) ‘scrap metal’ means all new or used items substantially made of non-ferrous metal, including aluminum, brass, bronze, copper, tin and any other prescribed metal or material;

“(f.2) **‘scrap metal dealer or recycler’** means a person engaged in the business of purchasing, trading or bartering scrap metal and includes the following:

- (i) employees of that person;
- (ii) any prescribed person;
- (iii) any prescribed class of persons;

“(f.3) **‘scrap metal transaction’** means any prescribed transaction with respect to scrap metal directly or indirectly between a person and a scrap metal dealer or recycler;

“(f.4) **‘traceable currency’** means a prescribed method of payment other than payment by cash”.

**New Part heading after section 3**

**6 The following Part heading is added after section 3:**

**“PART 2  
Pawnbrokers”.**

**New Part 3**

**7 The following Part is added after section 7:**

**“PART 3  
Scrap Metal Dealers or Recyclers**

**“Responsibility for employees’ activities re scrap metal dealers or recyclers**

**7.1** For the purposes of this Act:

- (a) anything done or attempted to be done by an employee, apprentice or agent of a scrap metal dealer or recycler in the course of or with respect to the business of the scrap metal dealer or recycler is deemed to be done or attempted to be done by the scrap metal dealer or recycler; and
- (b) anything authorized to be done by a scrap metal dealer or recycler may be done by an employee, apprentice or agent of a scrap metal dealer or recycler.

**“Prohibition re scrap metal dealers or recyclers**

**7.2** No person shall act as a scrap metal dealer or recycler unless the requirements of this Act are met.

**“Compliance with other laws still required re scrap metal dealers or recyclers**

**7.3(1)** Compliance with this Act and the regulations does not relieve a scrap metal dealer or recycler from complying with any other relevant Act, regulation or municipal bylaw or relieve the scrap metal dealer or recycler from obtaining any licence that may be required.

(2) Compliance with this Act and the regulations by the licensee is deemed to be a term and condition of a licence.

(3) Notwithstanding any other Act, regulation, municipal bylaw or licence, a licensor may suspend, cancel or revoke a licence if the licensee fails to comply with all or any provisions of this Act, the regulations, a bylaw or a term or condition of the licence.

**“Reporting of information re scrap metal dealers and recyclers**

7.4(1) A scrap metal dealer or recycler shall obtain and record the prescribed information in the prescribed manner before:

- (a) purchasing any scrap metal; or
- (b) otherwise receiving any scrap metal.

(2) If a person seeking to enter into a scrap metal transaction with a scrap metal dealer or recycler refuses or is unable to provide the information required pursuant to subsection (1), the scrap metal dealer or recycler shall not complete the scrap metal transaction.

(3) If an individual seeking to enter into a scrap metal transaction with a scrap metal dealer or recycler is less than 18 years of age, the scrap metal dealer or recycler shall not complete the scrap metal transaction.

(4) If the total value of a scrap metal transaction exceeds the prescribed amount, a scrap metal dealer or recycler must use traceable currency to purchase the scrap metal.

(5) On completion of a scrap metal transaction, a scrap metal dealer or recycler shall provide the information obtained pursuant to subsection (1) to the chief of police and to any other prescribed person or prescribed class of persons in the prescribed manner.

(6) This section applies to a scrap metal dealer or recycler only if the scrap metal dealer or recycler is provided at least 90 days’ notice in the prescribed manner that this section will apply to scrap metal dealers or recyclers operating in the municipality that is the subject of the notice as of a date specified in the notice.

(7) If a notice mentioned in subsection (6) is provided in the prescribed manner:

- (a) every scrap metal dealer or recycler who is operating in the municipality is deemed to have received the notice;
- (b) every scrap metal dealer or recycler who commences operating in the municipality after the date on which notice has been given is deemed to have received the notice; and
- (c) every scrap metal dealer or recycler mentioned in clauses (a) and (b) shall comply with this section.

(8) If a scrap metal dealer or recycler to whom this section applies has any employees, apprentices or agents, the scrap metal dealer or recycler shall ensure that the employees, apprentices and agents of the scrap metal dealer or recycler:

- (a) are made aware of the notice mentioned in subsection (6); and
- (b) comply with this section”.

**New Part heading after section 7.4**

**8 The following Part heading is added after section 7.4:**

**“PART 4  
General”.**

**Section 8 amended**

**9(1) Clause 8(1)(b) is repealed and the following substituted:**

“(b) **‘record’** means a book, paper, document or thing, whether in electronic form or otherwise, that may contain information respecting the following:

- (i) the business of a pawnbroker, a pawn transaction or an unconditional sale;
- (ii) the business of a scrap metal dealer or recycler or a scrap metal transaction”.

**(2) Subsection 8(3) is amended:**

**(a) by striking out “and” after clause (b); and**

**(b) by adding the following after clause (c):**

“(d) a scrap metal dealer or recycler who is subject to this Act; and

“(e) a scrap metal transaction that is subject to this Act”.

**Section 15 amended**

**10 Section 15 is amended:**

**(a) in clause (b) by adding “or (f.3)” after “clause 2(d)”;**

**(b) in clause (c) by adding “or (f.2)” after “clause 2(e)”;**

**(c) by adding the following clauses after clause (c):**

“(c.1) prescribing other metals or materials for the purposes of clause 2(f.1);

“(c.2) prescribing methods of payment for the purposes of clause 2(f.4)”;

**(d) by adding the following clause after clause (d):**

“(d.1) prescribing additional compliance requirements respecting pawnbrokers or scrap metal dealers or recyclers, including requirements to retain items received for a fixed period after the initial receipt of the items in accordance with prescribed terms and conditions”; **and**

**(e) by adding the following clauses after clause (g):**

“(g.1) for the purposes of section 7.4, prescribing:

(i) the information that must be obtained and recorded with respect to a scrap metal transaction and the manner of recording that information; and

(ii) the manner in which the information mentioned in subclause (i) shall be provided to the persons or classes of persons to whom it is required to be provided pursuant to subsection 7.4(5);

“(g.2) for the purposes of subsection 7.4(4), prescribing the amount that the total value of a scrap metal transaction is to exceed;

“(g.3) for the purposes of subsection 7.4(5), prescribing other persons or classes of persons to whom the information obtained pursuant to subsection 7.4(1) must be provided;

“(g.4) for the purposes of subsection 7.4(6), prescribing the manner in which notice must be provided”.

**New Part heading after section 15**

**11 The following Part heading is added after section 15:**

**“PART 5  
Coming into Force”.**

**Coming into force**

**12** This Act comes into force by order of the Lieutenant Governor in Council.

FIRST SESSION  
**Twenty-ninth Legislature**  
SASKATCHEWAN

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**B I L L**

No. 16

An Act to amend *The Pawned Property*  
*(Recording) Act*

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Received and read the

First time

Second time

Third time

And passed

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Honourable Gordon Wyant

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