

Tanzania

## Goldsmiths and Silversmiths Act

### Chapter 228

Legislation as at 31 July 2002

FRBR URI: /akn/tz/act/1937/25/eng@2002-07-31

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PDF created on 20 April 2024 at 14:33.

*Collection last checked for updates: 31 July 2002.*

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# Tanzania

## Goldsmiths and Silversmiths Act

### Chapter 228

Published in Tanzania Government Gazette

Commenced on 29 October 1937

*[This is the version of this document at 31 July 2002.]*

*[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]*

*[Ords Nos. 25 of 1937; 37 of 1953; R.L. [Cap. 228](#); Act [No. 33 of 1964](#)]*

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

#### 1. Short title

This Act may be cited as the Goldsmiths and Silversmiths Act.

#### 2. Interpretation

In this Act, unless the context otherwise requires—

"**authorised officer**" means the District Officer, any officer of the Mines Division of the Ministry responsible for Mines and Wildlife and any police officer not below the rank of 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;

"**licensing officer**" means the internal revenue officer for the district.

#### 3. Business of a goldsmith and silversmith not to be carried on without a licence

No person shall carry on the business of a goldsmith and silversmith without a licence duly issued under the provisions of this Act.

#### 4. Appointment of licensing officers

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

#### 5. Application for licence to be made to the licensing officer

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.

#### 6. Notice of first application

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.

## 7. Provisions with regard to licences

- (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.
- (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<sup>1</sup> or any law for the time being in force relating to business licensing.

## 8. Refusal of licence

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 wish to 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.

## 9. Duty of licensee to have signboard outside licensed premises

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

## 10. Keeping and production of books

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 articles or matter containing gold or silver held at the close of business on that day;

<sup>1</sup>

- (c) produce such books upon demand for the inspection of any authorised officer.

## **11. Production of stocks of gold and silver**

Every 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.

## **12. Licensed goldsmiths and silversmiths to deal in gold and silver only during certain hours**

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.

## **13. Power to search premises of goldsmith and silversmith**

Any 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.

## **14. Penalty for carrying on the business of a goldsmith and silversmith without a licence**

Any person carrying on the business of a goldsmith and silversmith without a licence commits an offence and is liable upon conviction to a fine not exceeding one thousand shillings or to imprisonment for six months or to both such fine and imprisonment.

## **15. Penalties**

Any 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 shall be liable upon conviction to a fine not exceeding two thousand shillings or to imprisonment for one year or to both such fine and imprisonment, 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.

## **16. Exemption of dentists**

Nothing in this Act shall 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 Practitioners and Dentists Act<sup>2</sup>.

**17. Exemption from provisions of section 14**

Notwithstanding the other 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****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