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LAWS OF KENYA

PAWNBROKERS ACT

CHAPTER 529

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CHAPTER 529**PAWNBROKERS ACT**

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SCHEDULES

CHAPTER 529**PAWNBROKERS ACT**

[Date of commencement: 13th October, 1913.]

An Act of Parliament to regulate the business of pawnbroking

[Cap. 308 (1948), Act No. 28 of 1961, L.N. 462/1963, L.N. 2/1964, Act No. 21 of 1966.]

1. Short title

This Act may be cited as the Pawnbrokers Act.

2. Interpretation

In this Act—

“**pawnbroker**” includes every person who carries on the business of taking goods and chattels in pawn;

“**pawner**” means a person delivering an article for pawn to a pawnbroker;

“**pledge**” means an article pawned with a pawnbroker;

“**shop**” includes dwelling-house and warehouse, or other place of business or place where business is transacted;

“**Unfinished goods or materials**” includes goods of any manufacture or of a part or branch of any manufacture either mixed or separate or any material whatever plainly intended for the composing or manufacturing of any goods, after such goods or materials are put into a state or course of manufacture or into a state for any process or operation to be performed thereupon or therewith and before they are completed or finished for the purpose of wear or consumption.

3. Application of Act to keepers of certain shops

The following persons shall be deemed to be persons carrying on the business of taking goods and chattels in pawn; every person who keeps a shop for the purchase or sale of goods or chattels, or for taking in goods or chattels by way of security for money advanced thereon, and who purchases or receives or takes in goods or chattels and pays or advances or lends thereon any sum of money not exceeding three hundred shillings with or under an agreement or understanding expressed or implied, or to be from the nature and character of the dealing reasonably inferred, that those goods or chattels may be afterwards redeemed or repurchased on any terms; and every such transaction, article, payment, advance and loan shall be deemed a pawning, pledge and loan respectively within this Act.

4. Executors or pawnbrokers

The provisions of this Act relating to pawn brokers shall extend to and include the executors or administrators of deceased pawnbrokers, except that an executor or administrator shall not be answerable for any penalty or forfeiture personally or out of his own estate, unless it is incurred by his own act or neglect.

5. Servants, apprentices and agents of pawnbrokers

For the purposes of this Act, anything done or omitted by the servant, apprentice or agent of a pawnbroker in the course of or in relation to the business of the pawn-broker shall be deemed to be done or omitted (as the case may be) by the pawnbroker; and anything by this Act authorized to be done by a pawnbroker may be done by his servant, apprentice or agent.

6. Assigns and executors of pawners

The rights, powers and benefits by this Act reserved to and conferred on pawners shall extend to the assigns of pawners, and to the executors or administrators of deceased pawners; but a person representing himself to a pawnbroker to be the assign, executor or administrator of a pawner shall, if required by the pawnbroker, produce to the pawnbroker the assignment, probate, letters of administration or other instrument under which he claims.

7. Application of Act according to amount of loan

(1) This Act shall apply—

- (a) to every loan by a pawnbroker of sixty shillings or under;
- (b) to every loan by a pawnbroker of above sixty shillings and not above three hundred shillings, except as in this Act otherwise provided in relation to cases where a special contract respecting the terms of the loan (as authorized by this Act) is made between the pawner and the pawnbroker at the time of the pawning.

(2) Notwithstanding anything in this Act, a person shall not be deemed a pawnbroker by reason only of his paying, advancing or lending on any terms any sum or sums of above three hundred shillings.

8. Pawnbrokers to keep books, as in First Schedule

(1) A pawnbroker shall keep and use in his business such books and documents as are specified in the First Schedule in the forms therein specified, or to the same effect, and shall from time to time as occasion requires enter therein in English and in a fair and legible manner the particulars indicated in and in accordance with the directions of that Schedule, and shall make all inquiries necessary for that purpose.

(2) If a pawnbroker fails in any respect to comply with the requisitions of this section he shall be guilty of an offence.

9. Pawnbrokers to exhibit name, table of rates, etc., and to permit police to enter premises

(1) A pawnbroker shall always keep exhibited in large characters over the outer door of his shop his name or names with the word "pawnbroker".

(2) A pawnbroker shall always keep placed in a conspicuous part of his shop (so as to be legible by every person pawning or redeeming pledges standing in any box or part of the shop provided for persons pawning or redeeming pledges) the same information as is required by the First Schedule to be printed on pawntickets.

(3) A pawnbroker shall allow the police at any time to enter and inspect his premises and any article or thing taken in pawn and his books and papers relating to his business, on production of an order from a magistrate or a Superintendent or Assistant Superintendent of Police.

(4) If a pawnbroker fails in any respect to comply with the requisitions of this section he shall be guilty of an offence.

Pawning, Redemption, Sale

10. Pawntickets

A pawnbroker shall on taking a pledge in pawn give to the pawner a pawnticket in the prescribed form, and shall not take a pledge in pawn unless the pawner takes the pawnticket.

11. Profits and charges allowed to pawnbrokers

(1) A pawnbroker may take profit on a loan on a pledge at a rate not exceeding that specified in the Second Schedule.

(2) A pawnbroker may demand and take the charges specified in that Schedule, in the cases and according to the rules therein stated and prescribed.

(3) A pawnbroker shall not, in respect of a loan on a pledge, take any profit or demand or take any charge or sum whatever other than those specified in that Schedule.

(4) A pawnbroker shall, if required at the time of redemption, give a receipt for the amount of loan and profit paid to him.

[Act No. 28 of 1961, Sch.]

12. Period for redemption

(1) Every pledge pawned for fifteen shillings or under shall be redeemable within six months from the day of pawning, exclusive of that day; and there shall be added to that six months of redemption seven days of grace within which every such pledge (if not redeemed within the six months of redemption) shall continue to be redeemable.

(2) Every pledge pawned for above fifteen shillings shall be redeemable within twelve months from the date of pawning, exclusive of that day; and there shall be added to that twelve months of redemption seven days of grace within which every such pledge (if not redeemed within the year of redemption) shall continue redeemable.

13. Pledges for Sh.15 or under forfeited if not redeemed in time

A pledge pawned for fifteen shillings or under, if not redeemed within the six months and days of grace, shall at the end of the days of grace become and be the pawnbroker's absolute property.

14. Pledges above Sh.15 redeemable until sale

A pledge pawned for above fifteen shillings shall further continue redeemable until it is disposed of as in this Act provided, although the year of redemption and days of grace are expired.

15. Pledges above Sh.15 to be sold by auction

(1) A pledge pawned for more than fifteen shillings shall, when disposed of by the pawnbroker, be disposed of by public auction, and not otherwise; and the regulations in the Third Schedule shall be observed with reference to the sale.

(2) A pawnbroker may bid for and purchase at a sale by auction, made or purporting to be made under this Act, a pledge pawned with him; and on such purchase he shall be deemed the absolute owner of the pledge purchased.

16. Offences by auctioneers

If an auctioneer does anything in contravention of the provisions of this Act relating to auctioneers, or fails to do anything which he is required by this Act to do, he shall be guilty of an offence.

17. Power to inspect sale book

At any time within three years after the auction at which a pledge pawned for above fifteen shillings is sold, the holder of the pawnticket may inspect the entry of the sale in the pawnbroker's book, and in the filled-up catalogue of the auction (authenticated by the signature of the auctioneer), or in either of them.

18. Pawnbroker to account for surplus within three years, subject to set-off

(1) Where a pledge pawned for above fifteen shillings is sold and appears from the pawnbroker's book to have been sold for more than the amount of the loan and profit due at the time of sale, the pawnbroker shall on demand pay the surplus to the holder of the pawnticket, in case the demand is made within three years after the sale, the necessary costs and charges of the sale being first deducted.

(2) If on any such demand it appears from the pawnbroker's book that the sale of a pledge or pledges has resulted in a surplus, and that within twelve months before or after that sale the sale of another pledge or other pledges of the same person has resulted in a deficit, the pawnbroker may set off the deficit against the surplus, and shall be liable to pay the balance only after such set-off.

19. Offences as to pledges above Sh.15

If, with respect to pledges for loans of above fifteen shillings, a pawnbroker—

- (a) does not *bona fide* according to the directions of this Act sell a pledge pawned with him;
- (b) enters in his book a pledge as sold for less than the sum for which it was sold or fails duly to enter it;
- (c) refuses to permit any person entitled under this Act to inspection of an entry of sale in the pawnbroker's book, or of a filled-up catalogue of the auction authenticated by the auctioneer's signature, to inspect it;
- (d) fails without lawful excuse (proof whereof shall lie on him) to produce such a catalogue on lawful demand;

- (e) refuses to pay on demand the surplus to the person entitled to receive it;

he shall in every such case be guilty of an offence and liable to forfeit to the person aggrieved a sum not exceeding three hundred shillings.

Special Contracts

20. Power to make special contract for pledge above Sh. 60

(1) Notwithstanding anything in this Act, a pawnbroker may make a special contract with the pawner in respect of a pledge on which the pawnbroker makes a loan of above sixty shillings:

Provided that—

- (i) the pawnbroker at the time of the pawning shall deliver to the pawner a special contract pawnticket signed by the pawnbroker;
- (ii) a duplicate of the special contract pawnticket shall be signed by the pawner.

(2) The provisions of this Act, save as far as the application thereof is excluded by the terms of the special contract, shall apply thereto.

(3) A special contract pawnticket or the duplicate thereof shall not be subject to stamp duty.

Delivery up of Pledge

21. Holder of pawnticket entitled to redeem

The holder for the time being of a pawnticket shall be presumed to be the person entitled to redeem the pledge, and, subject to the provisions of this Act, the pawnbroker shall accordingly (on payment of the loan and profit) deliver the pledge to the person producing the pawnticket, and he is hereby indemnified for so doing.

22. Production of pawnticket on redemption

A pawnbroker shall not (except as in this Act provided) be bound to deliver back a pledge unless the pawnticket for it is delivered to him.

23. Liability of pawnbroker in case of fire

(1) Where a pledge is destroyed or damaged by or in consequence of fire, the pawnbroker shall nevertheless be liable on application within the period during which the pledge would have been redeemable to pay the value of the pledge after deducting the amount of the loan and profit, such value to be the amount of the loan and profit and twenty-five per centum on the amount of the loan.

(2) A pawnbroker shall be entitled to insure to the extent of the value so estimated.

24. Compensation for depreciation of pledge

If a person entitled and offering to redeem a pledge shows to the satisfaction of a magistrate that the pledge has become or has been rendered of less value

than it was at the time of the pawning thereof by or through the default or neglect or willful misbehaviour of the pawnbroker, the magistrate may award a reasonable satisfaction to the owner of the pledge in respect of the damage, and the amount awarded shall be deducted from the amount payable to the pawnbroker, or shall be paid by the pawnbroker (as the case requires) as the magistrate directs.

25. Protection of owners and of pawners not having pawntickets

(1) The following provisions shall have effect for protection of owners of articles pawned, and of pawners not having their pawntickets to produce—

- (a) any person claiming to be the owner of a pledge but not holding the pawnticket, or any person claiming to be entitled to hold a pawnticket but alleging that it has been lost, mislaid, destroyed or stolen or fraudulently obtained from him, may apply to the pawnbroker for a printed form of declaration, which the pawnbroker shall deliver to him;
- (b) if the applicant delivers back to the pawnbroker the declaration duly made before a magistrate by the applicant and a person identifying him, the applicant shall thereupon have as between him and the pawnbroker all the same rights and remedies as if he had produced the pawnticket:

Provided that such a declaration shall not be effectual for that purpose unless it is duly made and delivered back to the pawnbroker within five days after the day on which the form is delivered to the applicant by the pawnbroker;
- (c) the pawnbroker is hereby indemnified for not delivering the pledge to any person until the expiration of the period aforesaid;
- (d) the pawnbroker is further hereby indemnified for delivering the pledge or otherwise acting in conformity with the declaration, unless he has actual or constructive notice that the declaration is fraudulent or is false in any material particular.

(2) If a person makes a declaration under this Act, either as an applicant or as identifying an applicant, which is false, and which he either knows or believes to be false or does not believe to be true, he shall be guilty of an offence and liable to imprisonment for a term not exceeding three years or to a fine not exceeding three thousand shillings, or to both.

26. Delivery to owner of property unlawfully pawned

In each of the following cases—

- (a) if a person is convicted under this Act before a court of knowingly and designedly pawning with a pawnbroker anything being the property of another person, the pawner not being employed or authorized by the owner thereof to pawn it: or
- (b) if a person is convicted before a court of dishonestly taking or misappropriating fraudulently or dishonestly obtaining any goods or chattels, and it appears to the court that they have been pawned with a pawnbroker; or

- (c) if in proceedings before a court it appears to it that any goods and chattels brought before it have been unlawfully pawned with a pawnbroker;

the court may, on proof of the ownership of the goods and chattels, order the delivery thereof to the owner either on payment to the pawnbroker of the amount of the loan or of any part thereof or without payment thereof or of any part thereof, as it thinks fit.

27. Summary order for delivery of pledge to person entitled

If a pawnbroker without reasonable excuse (proof whereof shall lie on him) neglects or refuses to deliver a pledge to the person entitled to delivery thereof under this Act, he shall be guilty of an offence, and a magistrate may, with or without imposing a penalty, order the delivery of the pledge on payment of the amount of the loan and profit.

General Restrictions on Pawnbrokers

28. Prohibition of taking pledges from children and other restrictions

If a pawnbroker—

- (a) takes an article in pawn from any person appearing to be under the age of fourteen years, or to be intoxicated;
- (b) purchases or takes in pawn or exchange a pawnticket issued by another pawnbroker;
- (c) employs any person under fourteen years of age to take pledges in pawn;
- (d) under any pretence purchases, except at public auction, any pledge while in pawn with him;
- (e) suffers any pledge while in pawn with him to be redeemed with a view to his purchasing it;
- (f) makes any contract or agreement with any person pawning or offering to pawn any article, or with the owner thereof, for the purchase, sale or disposition thereof within the time of redemption;
- (g) sells or otherwise disposes of any pledge pawned with him except at such times and in such manner as authorized by this Act,

he shall be guilty of an offence.

Unlawful Pawning and Taking in Pawn

29. Unlawful pawning of goods not property of pawner

If any person—

- (a) knowingly and designedly pawns with a pawnbroker anything being the property of any other person, the pawner not being employed or authorized by the owner thereof to pawn it;
- (b) offers to a pawnbroker an article, by way of pawn, being unable or refusing to give a satisfactory account of the means by which he became possessed of the article;

- (c) wilfully gives false information to a pawnbroker as to whether an article offered by him in pawn to the pawnbroker is his own property or not, or as to his name or address, or as to the name and address of the owner of the article;
- (d) not being entitled, and not having any colour of title by law, to redeem a pledge, attempts or endeavours to redeem it,

he shall be guilty of an offence.

30. Prohibition of taking in pawn linen, apparel or unfinished goods or materials

If a pawnbroker knowingly takes in pawn any linen or apparel or unfinished goods or materials entrusted to any person to wash, scour, iron, mend, manufacture, work up, finish or make up, he shall be guilty of an offence and liable on conviction to forfeit a sum not exceeding double the amount of the loan, and shall also be liable to restore the pledge to the owner thereof in the presence of the magistrate, or as he shall direct.

Licences

31. Yearly licence

(1) Every pawnbroker shall take out from the District Commissioner of the district in which he is carrying on his business a yearly licence for carrying on his business, on which licence there shall be charged and paid a fee of forty shillings.

(2) Every licence shall be dated on the day on which it is issued, and shall expire on the 31st December following.

(3) A separate licence shall be taken out and paid for by the pawnbroker for each pawnbroker's shop kept by him.

(4) Every licence shall specify the premises on which the licensee may conduct his business, and the licensee shall not carry on his business except on the premises specified without the sanction in writing of the District Commissioner.

(5) If a person acts as a pawnbroker without having in force a proper licence, he shall be guilty of an offence and liable to a fine not exceeding one thousand five hundred shillings.

32. Cesser of licence on conviction

If a pawnbroker is convicted of any fraud in his business or of receiving stolen goods knowing them to be stolen, the court by which he is convicted may direct that his licence shall cease to have effect, and it shall so cease accordingly.

33. Notice of first application

A person intending to apply for the first time for a licence under this Act shall, twenty-one days at least before the application, give notice in writing to the officer in charge of the police in the district in which he intends to carry on business, and shall in the notice set out his name and address.

34. Grounds of refusal of licence

A licence shall not be refused except on one of the following grounds—

- (a) that the applicant has failed to produce satisfactory evidence of good character;
- (b) that the shop in which he intends to carry on the business of pawnbroker, or any adjacent house or place owned or occupied by him, is frequented by thieves or persons of bad character;
- (c) that he has not complied with section 33.

Penalties and Legal Proceedings

35. General penalty

If a pawnbroker or other person is guilty of an offence under this Act in respect whereof a specific forfeiture or penalty is not prescribed by this Act, he shall be liable to a fine not exceeding six hundred shillings, and in default of payment to six months' imprisonment.

36. Application of penalties

Penalties recovered under this Act, not directed to be otherwise applied, may be applied, under direction of the court in which they are recovered, as follows—

- (a) where the complainant is the party aggrieved, one half of the penalty may be paid to him;
- (b) where the complainant is not the party aggrieved, there shall be paid to him no part or such part only of the penalty as the court thinks fit.

37. Detention of persons offering forged pawntickets

If any person utters, produces, shows or offers to a pawnbroker a pawnticket which the pawnbroker reasonably suspects to have been counterfeited, forged or altered, the pawnbroker may seize and detain the person and the ticket, or either of them, and shall deliver the person and the ticket, or either of them (as the case may be) as soon as may be into the custody of a police officer, who shall, as soon as may be, convey the person if so detained before a magistrate to be dealt with according to law.

38. Production of books before magistrate

A pawnbroker shall at any time, when ordered or summoned by a court, attend before the court and produce all books and papers relating to his business which he is required by the court to produce; and if he fails to do so, he shall be guilty of an offence.

39. Contracts not void on account of offences

Where a pawnbroker is guilty of an offence under this Act (not being an offence under any provision of this Act relating to licences), any contract of pawn or other contract made by him in relation to his business of pawnbroker shall nevertheless not be void by reason only of that offence, nor shall he by reason only of that offence lose his lien on or right to the pledge or to the loan and profit;

but nothing in this section shall restrict the operation of any provision of this Act providing for the delivery of any goods and chattels, or the restoration of any linen, apparel, goods, materials or article to the owner, under the order of a court.

40. Rules

The Minister may make rules for the better carrying out of this Act.

[Act No. 28 of 1961, Sch., L.N. 462/1963, Act No. 21 of 1966, 1st Sch.]

FIRST SCHEDULE
 [Section 8, Act No. 10 of 1983, Sch., L.N. 218/1986, Sch.]
 FORMS OF BOOKS AND DOCUMENTS
 I – Pledge Book

..... of, pawn broker of, 20.....

Date of pledging	Date of redemption	Profit charged	Amount of loan		No. of pledge	Name of pawner	Address of pawner	Name of owner, if other than pawner	Address of owner, if other than pawner	List of articles pawned, as described on pawn tickets
			Sh	Cts						

RULE

All entries in the first, and last five, columns respecting each pledge shall be made on the day of the pawning thereof, or within four hours after the end of that day.

FIRST SCHEDULE, II—*continued*

If this pledge is not redeemed within twelve calendar months and seven days from the day of pledging, it may be sold by auction by the pawnbroker, but it may be redeemed at any time before the day of sale.

Within three years after sale, the pawner may inspect the account of the sale in the pawnbroker's books on payment of ten cents, and receive any surplus produced by the sale. But deficit on sale of one pledge may be set off by the pawnbroker against surplus on another.

If the pledge is destroyed or damaged by fire, the pawnbroker will be bound to pay the value of the pledge after deducting the amount of the loan and profit, that value to be the amount of the loan and profit and twenty-five per centum on the amount of the loan.

If this ticket is lost or mislaid or stolen, the pawner should at once apply to the pawnbroker for a form of declaration to be made before a magistrate, or the pawnbroker will be bound to deliver the pledge to any person who produces this ticket to him and claims to redeem it.

III – *Sale Book of Pledges for Loans above Sh. 15*

[Date and place of sale]

[Name and place of business of auctioneer]

No. of pledge as in pledge book	Date of pawning	Name of pawner	Amount for loan		Amount for which pledge sold as stated by auctioneer
			Sh.	Cts.	

IV – *Declaration where Pledge claimed by Owner*

(Unless this printed form is taken before a magistrate and declared to and signed and delivered back to the pawnbroker not later than the day of, 20, the articles mentioned in it will be delivered to any person producing the pawnticket.)

I, A.B., of, in pursuance of the Pawnbrokers Act, do solemnly and sincerely declare that the article[s] described below is [are] my property, and that I believe they are pledged at the shop of

The article[s] above referred to is [are] the following—

FIRST SCHEDULE, IV—continued

And I, C.D., of , in pursuance of the same Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B., of

Declared before me this day of 20

.....
Magistrate or Commissioner for Oaths

V – Declaration where Pawnticket Lost, etc.

(Unless this printed form is taken before a magistrate and declared to and signed and delivered back to the pawnbroker not later than the day of, 20, the articles mentioned in it will be delivered to any person producing the pawnticket.)

I, A.B., of , in pursuance of the Pawnbrokers Act, do solemnly and sincerely declare that pledged at the shop of , pawnbroker, the article[s] described below being property, and received a pawnticket for it which has since been by, and that the pawnticket has not been sold or transferred by or to knowledge or belief.

The article[s] above referred to is [are] the following—

And I, C.D., of , in pursuance of the same Act, do solemnly and sincerely declare that I know the person now making the foregoing declaration to be A.B., of

Declared before me this day of, 20

.....
Magistrate or Commissioner for Oaths

VI – Receipt

[Date]

Received on redemption of pledge No.

Amount of loan

Profit

Total _____

..... Pawnbroker

FIRST SCHEDULE—continued

VII – Special Contract

Pawned with , pawnbroker,
at
this day of , 20
by of
for the sum of Sh.

[Article]

The following is to be printed in the ticket:

Terms of the Special Contract

The pawnbroker charges—
for this ticket ;
profit at the rate per calendar month of ;
after the first calendar month any time not exceeding fourteen days will be
charged as half a month, and any time exceeding fourteen days and not
more than one month will be charged as one month;
the charge for storage of this pledge will be Sh.
per calendar month, or any part of a month, in addition to the charges
above mentioned.

This pledge is pawned for not less than months.

After the expiration of that time the pledge may be sold by auction by the
pawnbroker. But it may be redeemed at any time before the day of sale.

Within three years after sale the pawner may inspect the account of the sale in
the pawnbroker’s books on payment of and receive
any surplus produced by the sale. But deficit on sale of one pledge may be set
off by the pawnbroker against surplus of another.

If the pledge is destroyed or damaged by fire, the pawnbroker will be bound to
pay the value of the pledge after deducting the amount of the loan and profit,
that value to be the amount of the loan and profit and twenty-five per centum on
the amount of the loan unless otherwise agreed upon by the pawner and
pawnbroker.

If this ticket is lost, mislaid, or stolen, the pawner should at once apply to the
pawnbroker for a form of declaration to be made before a magistrate, or the
pawnbroker will be bound to deliver the pledge to any person who produces this
ticket to him and claims to redeem it.

Signed Pawnbroker.

Signed Pawner.

Pawnbrokers

SECOND SCHEDULE

[Section 11.]

PROFIT AND CHARGES ALLOWED TO PAWNBROKERS

Profit on Loan

For any time during which the pledge remains in pawn not exceeding one month, for every Sh. 4 or fraction of Sh. 4 lent: cts. 12.

For every month after the first including the current month in which the pledge is redeemed, although that month is not expired, for every Sh. 4 or fraction of Sh. 4 lent: cts. 12.

Proviso

If the pledge is redeemed before the end of the first fourteen days after the expiration of any month, the pawnbroker shall in respect of those fourteen days be entitled to take half of the amount which he would be entitled to take for the whole month.

Charge on Pawnticket

For pawnticket cts. 10

Charge on Inspection of Sale Book

For inspection of entry of a sale cts. 10

Charge on Form of Declaration

For form of declaration cts. 10

Rule

This sum is to be paid by the applicant at the time of application.

THIRD SCHEDULE

[Section 15.]

REGULATIONS AS TO AUCTIONS OF PLEDGES ABOVE SH. 15

1. The auctioneer shall cause all pledges to be exposed to public view.
2. He shall publish catalogues of the pledges, stating—
 - (a) the pawnbroker's name and place of business;
 - (b) the month and year in which each pledge was pawned;
 - (c) the number of each pledge as entered at the time of pawning in the pledge book.
3. The pledges of each pawnbroker in the catalogue shall be separate from any pledges of any other pawnbroker.

4. The auctioneer shall insert in a newspaper published in Kenya an advertisement giving notice of sale, and stating—

- (a) the pawnbroker's name and place of business; and
- (b) the month and year in which the pledges were pawned.

5 The advertisement shall be inserted on two separate days in the same newspaper, and the second advertisement shall be inserted at least three clear days before the first day of sale.

6. Where a pawnbroker bids at a sale, the auctioneer shall not take the bidding in any other form than that in which he takes the biddings of other persons at the same sale; and the auctioneer, on knocking down any article to a pawnbroker, shall forthwith declare audibly the name of the pawnbroker as purchaser.

7. The auctioneer shall, within fourteen days after the sale, deliver to the pawnbroker a copy of the catalogue, or of so much thereof as relates to the pledges of that pawnbroker, filled up with the amounts for which the several pledges of that pawnbroker were sold, and authenticated by the signature of the auctioneer.

8. The pawnbroker shall preserve every such catalogue for three years at least after the auction.
