

CHAPTER 37

THE AUCTIONEERS ACT

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 AUCTIONEERS

(6th August, 1924.)

8/1924.
23/1976.

1. This Act may be cited as the Auctioneers Act. Short title.
2. Any person— Auctioneers.
 - (a) who exercises or carries on the trade or business of an auctioneer, or
 - (b) who acts in such capacity at any sale, or
 - (c) who sells or offers for sale any goods or chattels, lands, tenements or hereditaments, or any interest

therein, at any sale where any person becomes the purchaser of the same by competition and being the highest bidder, either by being the single bidder or by increasing upon the biddings made by others or decreasing on sums named by the auctioneer or person acting as auctioneer, or other person at such sale, or by any other mode of sale by competition,

shall be an auctioneer within the meaning of this Act.

Licences.

3. (1) Every auctioneer shall before conducting any sale by auction take out an auctioneer's licence.

(2) Before an auctioneer's licence is issued to any person such person shall give to the satisfaction of the Governor-General good and sufficient security in the sum of four hundred and eighty dollars for the faithful performance of the duties of his calling or business and for the purpose of securing the payment of any fines, penalties, judgments, damages or costs which may be imposed upon or recovered against him as auctioneer.

(3) The licence shall be issued by the Commissioner of Inland Revenue on payment of the duty thereon, provided the Commissioner of Inland Revenue is satisfied that the applicant for such licence has complied with the provisions of the preceding subsection.

Schedule A.

(4) The licence shall be in the form set forth in Schedule A and there shall be paid in respect thereof the sum of nine dollars and sixty cents. Every such licence shall expire on the 31st day of December and shall be renewed annually ten days at least before the expiration thereof.

(5) The issue of all licences under this Act shall be notified in the *Gazette*.

**Refusal and
cancellation of
licences.**

4. (1) Notwithstanding anything in the preceding section contained, the Commissioner of Inland Revenue may refuse any application for an auctioneer's licence or to renew any such licence, and may cancel the licence of any auctioneer who has—

(a) been convicted of any offence under this Act, or

(b) failed to account for or pay over any moneys or property which have come into his possession or control as such auctioneer, or

(c) parted with any property entrusted to him for sale without obtaining payment for the same and has failed to make good to his employer the value thereof, or

(d) otherwise misconducted himself as an auctioneer.

(2) A refusal to issue or to renew, or the cancellation of, an auctioneer's licence shall be notified to the person affected thereby under the hand of the Commissioner of Inland Revenue.

(3) Any person aggrieved by any action of the Commissioner of Inland Revenue under this section may appeal to the Governor-General whose decision shall be final.

5. Any person who having had an auctioneer's licence continues to carry on business as an auctioneer in the year next ensuing the expiration thereof, and omits to renew the same, and any person who carries on an auctioneer's business without an auctioneer's licence, shall, except as in this Act provided, on summary conviction, be liable to a penalty not exceeding three thousand dollars. **Penalties.**

6. (1) Every licensed auctioneer shall keep a regular and correct account of all property sold by him at auction, such account to be written by him in a book to be kept for that purpose in the form contained in the Schedule B, and every such book shall be open to the inspection of every person interested. **Auctioneers to keep accounts. Schedule B.**

(2) Any person who fails to comply with any of the provisions of this section shall, on summary conviction thereof, be liable to a penalty not exceeding three thousand dollars.

7. Notwithstanding anything in this Act, the Governor-General may grant permission to any Government Officer to sell at auction any property on account of the Government. **Power to grant permission to sell at auction without licence.**

Exceptions.

8. This Act shall not apply to auction sales—

(a) by the Registrar, Provost-Marshal, bailiff or any other officer of a Court of Justice on legal process in the exercise of any powers conferred on them by law;

(b) by any police officer or other public servant in any department of the Government Service where such sales are held under the provisions of any written law or departmental regulation;

(c) of fresh fish on the sea shore where the same has been first landed.

SCHEDULE A

S. 3(4)

Licence

No.

Licence is hereby granted to
of _____ to carry on the business of an
Auctioneer.

This Licence will expire on the 31st December, 19 ____ .
Dated this _____ day of _____ 19 ____ .

Commissioner of Inland Revenue.

SCHEDULE B

S. 6(1)

Form of Sale Book

Sale of Property belonging to.....

Date	Specification of article	Purchaser	Amount	Terms of payment
