

**Auctioneers' Licences Act
(CHAPTER 16)**

Table of Contents

Long Title

1 Short title

2 Definition of auctioneer

3 Auctioneers to be licensed

4 Definition of appraiser

5 Appraisers to be licensed

6 Definition of house agent

7 House agents to be licensed

8 Contents of licence

9 Expiry and renewal of licences

10 Exemption of officers of courts in levies not exceeding \$100

11 Full name of auctioneer to be displayed at every auction sale

12 No exemption to auctioneers from taking out special licences

13 Exceptions

14 Refusal and cancellation of licences

15 Evidence of misconduct

16 Offences triable by District Court

17 Power to grant licences

18 Power to make regulations

THE SCHEDULE

Legislative History

AUCTIONEERS' LICENCES ACT

(CHAPTER 16)

(Original Enactment: Ordinance 10 of 1906)

REVISED EDITION 1985

(30th March 1987)

An Act to provide for the licensing of auctioneers, appraisers and house agents.

[1st July 1906]

Short title

1. This Act may be cited as the Auctioneers' Licences Act.

Definition of auctioneer

2. Every person who exercises or carries on the trade or business of an auctioneer, or who acts in such capacity at any sale, and every person 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 the sale, or by any other mode of sale by competition, shall be deemed to carry on the trade or business of an auctioneer and shall be an auctioneer within the meaning of this Act.

Auctioneers to be licensed

3. Every auctioneer shall, before conducting any sale by auction, take out a licence substantially in the Form A in the Schedule.

Definition of appraiser

4. Every person who values or appraises any estate or property, lands, tenements or hereditaments, or any interest in possession or reversion, remainder or contingency in any estate or property movable or immovable, or any goods, merchandise or effects of whatsoever kind or description for or on expectation of any hire, gain, fee or reward or valuable consideration to be paid, to him therefor, shall be deemed to carry on the business of an appraiser, and shall be an appraiser within the meaning of this Act.

Appraisers to be licensed

5. Every appraiser shall take out a licence in the Form B in the Schedule.

Definition of house agent

6. Every person, firm or company who —

- (a) as an agent for any other person, for or in expectation of any fee, gain or reward of any kind, advertises for sale or letting any furnished house or part of any furnished house;
- (b) by any public notice or advertisement or by any inscription in or upon any house, shop or place used or occupied by him, or by any other ways or means, holds himself out to the public as an agent for selling or letting furnished houses; or
- (c) lets or sells or makes or offers or receives any proposal or in any way negotiates for the selling or letting of any furnished house or part of any furnished house,

shall be deemed to be a person using and exercising the business, occupation and calling of a house agent, and shall be a house agent within the meaning of this Act.

House agents to be licensed

7. Every person, firm or company carrying on the business of a house agent shall take out a licence in the Form C in the Schedule.

Contents of licence

8. Every licence to be taken out under the authority of this Act shall contain and set forth —

- (a) the purpose, trade or business for which the licence is granted;
- (b) the true name and place of abode of the person taking it out;
- (c) the true date or time of granting the licence; and
- (d) the principal place of business at which the trade or business for which the licence is granted shall be carried on.

Expiry and renewal of licences

9.—(1) Every licence shall expire on 31st December and shall be renewed annually 10 days at least before the expiration thereof.

Penalties

(2) Any person who having had such a licence continues to carry on the trade or business for which the licence was granted in the year next ensuing its expiration and omits to renew it as aforesaid, and any person who carries on a trade or business required by this Act to be licensed without taking out a licence shall, except as provided in this Act, each be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Exemption of officers of courts in levies not exceeding \$100

10. It shall not be necessary for —

- (a) any Sheriff, bailiff or other officer of a court of justice, acting under the authority of the court and appraising any goods or chattels, whatever may be the value, or selling any goods or chattels, whether under writ of seizure and sale, distress or other writ or order to levy a sum not exceeding \$100, exclusive of expenses, or where the property to be sold is not expected to exceed that sum, to take out a licence as an appraiser or auctioneer under this Act;
- (b) any police officer, land office bailiff or other public servant in any department of the Government service to take out a licence as an auctioneer for the purpose of conducting a sale by auction held under the provisions of any written law or departmental regulations;

Sale of fish on seashore

- (c) any person to take out a licence as an auctioneer in order to enable him to sell fish by auction on the seashore where the fish has been first landed.

Full name of auctioneer to be displayed at every auction sale

11.—(1) Every auctioneer before beginning any auction shall affix or suspend or cause to be affixed or suspended a ticket or board containing his true and full name and residence, painted, printed or written in large letters, publicly visible and legible in some conspicuous part of the house, room or place where the auction is held, so that all persons may easily see the ticket or board, and shall also keep the ticket or board so affixed or suspended during the whole time the auction is being held.

(2) Any auctioneer, who begins any auction or acts as an auctioneer at any auction in any house, room or place where his name and residence is not so painted or written on a ticket or board so affixed or suspended as aforesaid, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

No exemption to auctioneers from taking out special licences

12. Nothing in this Act shall exempt any auctioneer from taking out in addition to the licence granted to him as auctioneer such further licence as is required by law to deal in or retail or vend, trade in or sell any goods or commodities for which a special licence is required before he is permitted or authorised to sell the goods or commodities by auction.

Exceptions

13. This Act shall not extend to require —

- (a) any agent employed in the management of landed estates to take out a licence under this Act for that purpose;
- (b) any advocate and solicitor who as such has in force a practising certificate, or any auctioneer having in force a licence as such under this Act, to take out in addition thereto a licence as a house agent;
- (c) any auctioneer having a licence in force under this Act to take out in addition thereto a licence as an appraiser;
- (d) any appraiser having a licence in force under this Act to take out in addition thereto a licence as a house agent; or
- (e) any person licensed under section 19(4) of the Pawnbrokers Act [Cap. 222] for selling unredeemed pledges to take out in addition thereto a licence under this Act for the purpose of conducting such sales only.

Refusal and cancellation of licences

14. The officer empowered to grant licences may refuse any application for a licence or to renew any licence, and may cancel the licence of any person who has been convicted of any offence under this Act or who has failed to account for or pay over any moneys or property which have come into his possession or control as such licensed person, or if an auctioneer has parted with any property entrusted to him for sale without