AUCTIONEERS ORDINANCE

(Cap. 9)

To regulate the law in regard to auctioneers.

[2ND JANUARY, 1914].

Short Title.

1.   This Ordinance may be cited as the Auctioneers Ordinance.

Auctioneers to be licensed.

2.   (1)   Any person acting as auctioneer and not being provided with a licence in the form set forth in the First Schedule and not having paid the fees prescribed in the Second Schedule shall commit an offence and shall be liable to the penalty hereinafter prescribed:

    Provided that nothing in this section shall apply to property of the Government of the Federation or of Sabah or of any deceased government official sold under special authority.

Licensing Officers and licences.

(2)   Such licence shall be issued by the Residents or District Officers for places within their jurisdiction, who may in their discretion refuse the same.

(3)   Such licenses shall be renewed annually and application therefor shall be made not less than one month before the expiration of the current licence.

Auctioneer's responsibilities.

3.   (1)   Every licensed auctioneer shall obtain by public competition the highest possible price for the property to be sold and shall take all reasonable measures by the issue of notices or otherwise to ensure publicity to the sale.

(2)   No auctioneer shall buy on his own account property which he is employed to sell provided that he may purchase such property as the agent of any person employing him in such behalf.

(3)   No auctioneer without having first obtained the consent in writing of the owner shall dispose of any property entrusted to him by private contract.

(4)   No auctioneer shall depute another person to act in his behalf without special sanction in writing given to such person.

(5)   The commission and fees chargeable by auctioneers in respect of sales shall not exceed those set out in the Third Schedule.

(6)   Nothing herein contained shall prevent any person in districts where no licensed auctioneer exists from making application for and, on satisfying the proper licensing authority that he is a fit person, from obtaining an Occasional Licence on payment of the fees prescribed in the Second Schedule.

Owners' bids.

4.   (1)   Any owner of property may employ an agent to bid or may himself bid at ordinary sales provided that he shall not do so in any case where the sale is held "without reserve."

(2)   No sale shall be binding when more than one person shall have been employed by the owner to bid for the same property.

Rules and penalties.

5.   The Minister may make rules for more effectually carrying out the provisions of this Ordinance and any person offending against such provisions shall be liable to a fine of one hundred dollars and shall in addition be liable to the cancellation of his licence.

FIRST SCHEDULE.

FORM OF LICENCE.

(SECTIONS 2 (1) AND 3 (6).)

(name)   of   (place)

is hereby authorised to act as auctioneer for the period of   (here

state dates, from and to which, if for one year: if for one or more days state dates

as case may be)

Fee paid

Date

Signature of Resident or District Officer.

SECOND SCHEDULE.

(SECTION 2.)

CHARGES FOR AUCTIONEER'S LICENCES.

		$
(*a*)	Licence to act as an Auctioneer …	20.00
(*b*)	Occasional Auctioneer's Licence for one day ….	5.00
(*c*)	Do. do. for each succeeding day …	2.00

THIRD SCHEDULE

(Section 3 (5))

COMMISSION AND FEES

1.   (*a*)   Movable Property –

   Per lot:
   10% on the first $1,000.
   2% on the remainder of the sale price.

   (*b*)   Immovable Property –

   Per lot:

   2% on the first $100,000.
   1½% on the next $100,000.
   1% on the remainder of the sale price.

2.   Actual costs incurred on necessary travelling, accommodation and subsistence away from the base, and on notice displays and equipment, printing, advertisements, hire of auction premises, postage, handling, and service of notices, and other reasonable costs related to the auction, shall be payable.

3.   The above commission and fees shall be subject to a minimum charge of $200 for each auction meeting held or postponed within twenty-four hours of the time set for auction.