

## AUCTIONEERS AMENDMENT BILL

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### EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Auctioneers Act 1928.

*Clause 2:* The effect of this clause is to transfer the administration of the principal Act from the Department of Internal Affairs to the Department of Justice.

*Clause 3:* Section 3 (3) of the principal Act provides that where a company carries on business as an auctioneer it will be a sufficient compliance with the requirements of the Act if some person appointed by the general manager or pursuant to a resolution of the directors is the holder of a licence. The effect of the amendments made by this clause is that in the case of a company the company itself must be the licensee and the licence cannot be held by some person on its behalf.

*Clause 4:* Section 7 (3) of the principal Act provides that, where an applicant for a licence desires that more than one person shall conduct auction sales under the licence, a separate licence must be applied for in respect of each such person. This clause provides that, where the applicant is a company, the licence may authorise several persons to conduct auction sales on behalf of the company, and makes consequential amendments to the provisions of the principal Act relating to fidelity bonds, and also authorises the company to apply to the Registrar of the Magistrate's Court to add to the licence the names of additional persons authorised to conduct auction sales on behalf of the company.

*Clause 5:* Section 11 (2) of the principal Act prescribes a licence fee of £40 where the licence is available throughout New Zealand, and £20 where the licence is available only in a special district. The subsection provides for reduced fees for parts of the year and provides that the same fees are payable on renewals. The effect of this clause is that in future the licence fees are to be prescribed by regulations, and provision is made for reduced fees in cases where one person holds several licences. Where the licensee has more than one place of business, an additional licence fee may be prescribed in respect of each additional place of business. Other miscellaneous fees prescribed by the principal Act are also to be prescribed by regulations.

*Clause 6* abolishes the requirements of the principal Act that a central Register of Auctioneers is to be kept, and that an annual list of licensed auctioneers must be published in the *Gazette*, with supplementary lists from time to time showing changes in the Register.

*Hon. Mr Marshall*

## AUCTIONEERS AMENDMENT

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### ANALYSIS

Title	4. Licence issued to company may
1. Short Title and commencement	authorise several persons to con-
2. Administration of principal Act	duct auctions
transferred to Department of	5. Licence fees and other fees
Justice	6. Abolishing requirement to keep a
3. Licence on behalf of company to	Register of Auctioneers and to
be held by company	gazette annual list

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### A BILL INTITULED

#### An Act to amend the Auctioneers Act 1928

BE IT ENACTED by the General Assembly of New Zealand  
in Parliament assembled, and by the authority of the same,  
5 as follows:

1. **Short Title and commencement**—(1) This Act may be  
cited as the Auctioneers Amendment Act 1957, and shall be  
read together with and deemed part of the Auctioneers Act  
1928 (hereinafter referred to as the principal Act).

10 (2) Sections three to five of this Act shall come into force  
on the first day of April, nineteen hundred and fifty-eight.

15 **2. Administration of principal Act transferred to Department of Justice**—Section two of the principal Act is hereby  
amended by repealing the definition of the term “Minister”,  
and substituting the following definition:

“ ‘Minister’ means the Minister of Justice: ”.

**3. Licence on behalf of company to be held by company—**

The principal Act is hereby amended as follows:

- (a) By repealing subsection three of section three:
- (b) By repealing paragraph (c) of subsection two of section seven: 5
- (c) By omitting from paragraph (d) of subsection two of section seven the words “(whether the application is on behalf of an individual, or partners or a company) the name and address of a person”, and substituting the words “(whether the application is by an individual or a company or on behalf of partners) the name and address of the person or persons”: 10
- (d) By repealing paragraph (e) of subsection two of section seven:
- (e) By omitting from subsection three of section eight the words “or a company”, and substituting the words “or by a company”: 15
- (f) By omitting from subsection three of section ten the words “by or on behalf of a company”, and substituting the words “by a company”: 20
- (g) By omitting from subsection three of section twelve the words “or on behalf of” and also the words “and of any other person in respect of whom application to hold the licence on behalf of the company has been made”: 25
- (h) By omitting from subsection three of section twelve the words “the Magistrate may in the exercise of his powers under this section”, and substituting the words “the Magistrate shall, unless in the circumstances he otherwise decides,”: 30
- (i) By omitting from subsection three of section sixteen the words “by or on behalf of a company”, and substituting the words “by a company”:
- (j) By omitting from section forty-two the words “named in the application for the licence in respect of which such fee was paid”, and substituting the words “prescribed by regulations made under this Act”. 35

**4. Licence issued to company may authorise several persons to conduct auctions—**(1) Section seven of the principal Act is hereby amended by adding to subsection three the following proviso: 40

“Provided that, where the applicant is a company, application may be made in respect of several persons whom the applicant desires to conduct auction sales on its behalf, and the licence may make provision accordingly.”

5 (2) Section eight of the principal Act is hereby amended by adding to subsection two the following proviso:

“Provided also that, where application is made by a company in respect of two or more persons whom the applicant desires to conduct auction sales on its behalf, the  
10 total amount secured shall not exceed five hundred pounds in respect of each such person or two thousand five hundred pounds in respect of all such persons.”

(3) Section fourteen of the principal Act is hereby amended by inserting, after subsection two, the following  
15 subsections:

“(2A) Every company that is the holder of a licence may at any time apply to the Registrar of the Court in which the licence was issued to add to the licence the name and address of any additional person whom the applicant desires to  
20 conduct auctions on its behalf, and, on payment of the prescribed fee, the Registrar, if satisfied as to the character of the person in respect of whom the application is made, shall endorse the licence according to the tenor of the application.

25 “(2B) Subject to the second proviso to subsection two of section eight of this Act, with every application under subsection two A of this section there shall be filed a fidelity bond for the sum of five hundred pounds in respect of each person to whom the application relates, and the provisions of section  
30 eight of this Act shall apply thereto as if the application were an application for the grant of an auctioneer’s licence under this Act.”

(4) The principal Act is hereby amended as follows:

35 (a) By omitting from subsection three of section ten the words “the person”, and substituting the words “every person”:

(b) By omitting from subsection one of section eleven the words “the person”, and substituting the words “every person”:

- (c) By omitting from subsection one of section twelve the words "the person", and substituting the words "every person":
- (d) By omitting from paragraph (a) of subsection one of section fourteen the words "the person", and substituting the words "every person": 5
- (e) By omitting from subsection two of section fourteen the words "The person" where they first occur, and substituting the words "Any person":
- (f) By omitting from subsection four of section fourteen the words "the person", and substituting the words "any person": 10
- (g) By omitting from subsection three of section sixteen, and also from subsection five of the same section, the words "the person", and substituting in each case the words "any person". 15

**5. Licence fees and other fees**—(1) Section eleven of the principal Act is hereby amended by repealing subsection two, and substituting the following subsections:

"(2) There shall be payable in respect of the issue of a licence and of the renewal of a licence such fees as may be prescribed by regulations under this Act. Different fees may be prescribed in respect of licences available generally throughout New Zealand and in respect of licences available only in a special district, and smaller fees may be prescribed in respect of each additional licence issued to the same person. In the case of a licence issued to a company an additional fee may be prescribed in respect of each person after the first who is authorised to conduct auction sales on behalf of the company. 25

"(3) Any such regulations may provide that, where a licensee has more than one place of business, an additional licence fee shall be payable in respect of each additional place of business." 30

(2) The principal Act is hereby amended as follows:

- (a) By omitting from subsection one of section eleven the words "the fees hereinafter specified", and substituting the words "the prescribed fees": 35
- (b) By omitting from subsection two of section fourteen the words "a fee of ten shillings", and substituting the words "the prescribed fee": 40
- (c) By omitting from subsection one of section twenty-two the words "a fee of ten shillings", and substituting the words "the prescribed fee".

**6. Abolishing requirement to keep a Register of Auctioneers and to gazette annual list**—(1) Sections eighteen to twenty-one, subsection four of section twenty-three, and sections twenty-six and twenty-seven of the principal Act are  
5 hereby repealed.

(2) The principal Act is hereby amended as follows:

(a) By omitting from subsection three of section fifteen the words “and notify the change of name or style to the  
Minister”:

10 (b) By omitting from the proviso to section twenty-four (as amended by section twelve of the Magistrates’ Courts Act 1947) the words “and the Registrar shall notify the Minister, who shall cause a memorandum thereof to be entered in the Register of Auctioneers  
15 and to be published in the *Gazette*”.