

1958/25

THE AUCTIONEERS REGULATIONS 1958

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 26th day of February
1958

Present:

THE RIGHT HON. W. NASH PRESIDING IN COUNCIL

PURSUANT to the Auctioneers Act 1928, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

Title and Commencement

1. These regulations may be cited as the Auctioneers Regulations 1958.

Interpretation

2. In these regulations, unless the context otherwise requires,—
“The Act” means the Auctioneers Act 1928:
“Licence” means an auctioneer’s licence under the Act.

Forms

3. (1) The forms set out in the First Schedule to these regulations are hereby prescribed as the forms to be used in respect of the several matters to which those forms relate.

(2) Such variations may be made in any form hereby prescribed as the circumstances of any particular case may require.

Fees

4. (1) The fees specified in the Second Schedule to these regulations are hereby prescribed as the fees payable in respect of the several matters specified in that Schedule.

(2) The fees hereby prescribed for a licence shall be payable in respect of the issue and of every renewal of a licence:

Provided that, if a licence is issued to take effect after the 30th day of September in any year, only half the prescribed fees shall be payable.

(3) The fees hereby prescribed shall be payable in respect of every licence that takes effect on any date on or after the 1st day of April 1958 or the renewal of which takes effect on or after that date.

Apportionment of Fees

5. (1) Ten per cent of every prescribed fee of £5 or more and the whole of any other fee shall be applied towards defraying the cost of administering the Act.

(2) Subject to the provisions of subclauses (1) and (3) of this regulation, the Registrar of the Magistrate's Court to whom the prescribed fees are paid shall pay the same to the local authority or local authorities named by the applicant, being in every case a local authority within whose district the applicant proposes to conduct auction sales under the licence:

Provided that, where an applicant proposes to conduct auction sales in more than one district, he may apportion the amount among two or more local authorities on the basis of the business that he expects to do in the several districts.

(3) Any local authority in whose district the applicant proposes to conduct auction sales under the licence may, within twenty-eight days of the issue or renewal of the licence, or within such further time as the Magistrate may allow, appeal to a Magistrate against any nomination made by the applicant under subclause (2) of this regulation, and the Magistrate, after hearing all interested local authorities, shall make such order as to the local authorities entitled to receive the fees and in what proportions as appears to him to be just and equitable in the circumstances of the case. Every such appeal shall be made by way of originating application in accordance with the Magistrates' Courts Rules 1948.*

Revocation

6. The Auctioneers Regulations 1929† are hereby revoked.

*S.R. 1948/197

Amendment No. 1: S.R. 1952/242

Amendment No. 2: S.R. 1956/81

†Gazette, 31 January 1929, Vol. I, p. 236

SCHEDULES

FIRST SCHEDULE

FORMS

Form 1

APPLICATION BY A COMPANY FOR A LICENCE UNDER THE
AUCTIONEERS ACT 1928

In the Magistrate's Court at.....

[Name and address of company] hereby applies for a licence to carry on business as an auctioneer from the following places of business: [Show which of these is the principal place if more than one].

It is desired that the following person(s) be authorised to conduct auction sales under the licence: [State names in full].

The prescribed fees are to be paid to the following local authority(ies) in whose district(s) the company proposes to conduct auction sales under the licence: [State names. If the applicant wishes to do so, it may apportion the amount among two or more local authorities on the basis of the business the company expects to do in the several districts].

FIRST SCHEDULE—*continued*

A fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each seller, or £2,500 for all applications by same applicant] from [Name of insurance company or other sureties] is hereto annexed.

(Or, The applicant filed with an application in the Magistrate's Court at for the issue (or renewal) of an auctioneer's licence a fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each seller, or £2,500 for all applications by same applicant] from [Name of insurance company or other sureties] and the sum named in that fidelity bond is sufficient to bind the surety (or sureties) in respect of this application.)

Dated at this day of 19.....

Signed on behalf of [Name of company]
[State official position (e.g., Managing Director,
Branch Manager, etc.)]

Note—The applicant is required to produce a testimonial or testimonials as to the character of the directors and general manager and evidence as to the financial position of the company, unless the Magistrate decides otherwise.

Form 2

APPLICATION BY INDIVIDUAL OR PARTNER FOR LICENCE UNDER THE
AUCTIONEERS ACT 1928

In the Magistrate's Court at

I [Name in full and address], hereby apply on my own behalf (or on behalf of all the partners of the firm known as, of which I am a member, and whose other members are [Name in full of each of the partners and addresses]) for a licence to carry on business as an auctioneer from the following place(s) of business: [Show which of these is the principal place if more than one].

(I intend to carry on business as an auctioneer under the name or style of [Insert required particulars where applicant does not propose to carry on business in his own name].)

I desire that the name of [Name in full and address] be endorsed on the licence as the person authorised to conduct auction sales under the licence.

The prescribed fee is to be paid to the following local authority(ies) in whose district(s) I propose to conduct auction sales under the licence: [State names. If the applicant wishes to do so, he may apportion the amount among two or more local authorities on the basis of the business he expects to do in the several districts].

A fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each application, or £2,500 for all applications by the same applicant] from [Name of insurance company or other sureties] is hereto annexed.

FIRST SCHEDULE—*continued*

(Or, I filed with an application in the Magistrate's Court at for the issue (or renewal) of an auctioneer's licence a fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each application, or £2,500 for all applications by the same applicant] from [Name of insurance company or other sureties] and the sum named in that fidelity bond is sufficient to bind the surety (or sureties) in respect of this application.)

Dated at this day of 19.....

Signature:

Note—The applicant is required to produce a testimonial or testimonials as to his character or as to the character of the partners and evidence as to his or their financial position, unless the Magistrate decides otherwise.

Form 3

FORM OF NOTICE OF APPLICATION FOR AUCTIONEER'S LICENCE
(OR FOR TRANSFER OF AUCTIONEER'S LICENCE)

[Name in full and address] hereby gives notice that he (it) has applied to the Magistrate's Court at (on behalf of the firm of) for a licence under the Auctioneers Act 1928 (or for the transfer of a licence from [Name in full of licensee] to [Name in full of proposed transferee]) to carry on business as an auctioneer from [Give full particulars of place(s) of business] and that the application will be heard at the above Court after one month from the day of 19....., the date of the first publication of this notice.

Dated this day of, 19.....

Signature:

Form 4

AUCTIONEER'S LICENCE

(In the case of a company)

In the Magistrate's Court at

[Name and address of company] is hereby licensed under the Auctioneers Act 1928 to carry on business as an auctioneer from the day of 19..... until the 31st day of March 19..... from [Specify place or places of business mentioned in application] and from any other place or places in New Zealand after giving notice thereof to the Registrar of this Court and paying any prescribed additional fees. The following person(s) is (are) authorised to conduct auction sales under this licence: [State names in full].

Given under my hand and the Seal of the Court at this day of 19.....

.....
(Deputy) Registrar, Magistrates' Court.

FIRST SCHEDULE—*continued*

Form 5

AUCTIONEER'S LICENCE

(For an individual or firm)

In the Magistrate's Court at

[*Name in full and address*] is hereby licensed under the Auctioneers Act 1928 to carry on business as an auctioneer on his own behalf (*or on behalf of [Name of firm]*) under the name or style of [*Insert required particulars in cases where licensee does not propose to carry on business in his own name*] from the day of 19..... until the 31st day of March 19.....

The partners of the firm are [*State full names and addresses*].

Pursuant to this licence, the licensee may carry on business from [*Specify place or places of business mentioned in application*] and from any other place or places in New Zealand after giving notice thereof to the Registrar of this Court and paying any prescribed additional fees.

[*Name in full*] is the person authorised to conduct auction sales under this licence.

Given under my hand and the Seal of the Court at this day of 19.....

.....
(Deputy) Registrar, Magistrates' Court.

Form 6

NOTICE OF OBJECTION UNDER THE AUCTIONEERS ACT 1928

To the Registrar of the Magistrate's Court at

TAKE notice that I, [*Name in full and address*], object to the issue of an auctioneer's licence to [*Name in full of person applying for licence*] (*or to the renewal of the auctioneer's licence now held by [Name in full of licensee]*) (*or to the transfer of the auctioneer's licence now held by [Name in full of licensee] to [Name in full of proposed transferee]*) on the grounds that [*State reasons for objection*].

Dated at this day of 19.....

Signature:

Form 7

APPLICATION BY A COMPANY FOR RENEWAL OF A LICENCE UNDER
THE AUCTIONEERS ACT 1928

In the Magistrate's Court at

[*Name and address of company*] hereby applies for the renewal of licence No. to carry on business as an auctioneer from the following places of business: [*Show which of these is the principal place of business, if more than one*].

It is desired that the following person(s) be authorised to conduct auction sales under the licence: [*State names in full*].

FIRST SCHEDULE—continued

The prescribed fees are to be paid to the following local authority (ies) in whose district(s) the company proposes to conduct auction sales under the licence: [State names. If the applicant wishes to do so, it may apportion the amount among two or more local authorities on the basis of the business the company expects to do in the several districts].

A fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each seller, or £2,500 for all applications by same applicant] from [Name of insurance company or other sureties] is hereto annexed.

(Or, The fidelity bond for £..... [State amount of bond] from [Name of insurance company or other sureties] in force in respect of the company's existing licence enures in respect of this application for renewal.)

(Or, The company filed with an application in the Magistrate's Court at for the issue (or renewal) of an auctioneer's licence a fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each seller, or £2,500 for all applications by same applicant] from [Name of insurance company or other sureties] and the sum named in that fidelity bond is sufficient to bind the surety (or sureties) in respect of this application.)

Dated at this day of 19.....

Signed on behalf of [Name of company]
[State official position (e.g., Managing Director,
Branch Manager, etc.)]

Form 8

APPLICATION BY INDIVIDUAL OR PARTNER FOR RENEWAL OF LICENCE UNDER THE AUCTIONEERS ACT 1928

In the Magistrate's Court at

I, [Name in full and address], hereby apply on my own behalf (or on behalf of all the partners of the firm known as, of which I am a member, and whose other members are [Name in full of each of the partners and addresses]) for the renewal of licence No. to carry on business as an auctioneer from the following places of business: [Show which of these is the principal place of business, if more than one].

(I intend to carry on business as an auctioneer under the name or style of [Insert required particulars where applicant does not propose to carry on business in his own name].)

It is desired that the name of [Name in full and address] be endorsed on the licence as the person authorised to conduct auction sales under the licence.

The prescribed fee is to be paid to the following local authority(ies) in whose district(s) I propose to conduct auction sales under the licence: [State names. If the applicant wishes to do so, he may apportion the amount among two or more local authorities on the basis of the business he expects to do in the several districts].

FIRST SCHEDULE—*continued*

A fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each application, or £2,500 for all applications by the same applicant] from [Name of insurance company or other sureties] is hereto annexed.

(Or, The fidelity bond for £..... [State amount of bond] from [Name of insurance company or other sureties] in force in respect of my existing licence enures in respect of this application for renewal); (or I filed with an application in the Magistrate's Court at for the issue (or renewal) of an auctioneer's licence a fidelity bond for £..... [State amount of bond, which shall be not less than £500 for each application, or £2,500 for all applications by the same applicant] from [Name of insurance company or other sureties] and the sum named in that fidelity bond is sufficient to bind the surety (or sureties) in respect of this application.)

Dated at this day of 19.....

Signature of Applicant:

Form 9

APPLICATION FOR TRANSFER OF LICENCE UNDER THE AUCTIONEERS
ACT 1928

In the Magistrate's Court at

I, [Name in full and address], hereby apply on my own behalf (or on behalf of all the partners of the firm known as [Name of firm], of which I am a member, and whose other members are [Name in full of each partner, and addresses]) (or applies) for the approval by this Court of the transfer to me (the said company) of the licence No., issued under the Auctioneers Act 1928 by the Magistrate's Court at on the day of 19....., to [Name and address of licensee] under the name or style of [Insert required particulars where applicant does not propose to carry on business in his own name].

It is desired that the following person(s) be authorised to conduct auction sales under the licence: [State name(s) in full].

A fidelity bond for £..... [State amount of bond, which shall not exceed £500 for each seller, or £2,500 for all applications by same applicant] from [Name of insurance company or other sureties] is hereto annexed.

(Or, I filed with an application in the Magistrate's Court at, for the issue (or renewal) of an auctioneer's licence, a fidelity bond for £..... [State amount of bond, which shall not exceed £500 for each seller, or £2,500 for all applications by same applicant] from [Name of insurance company or other sureties] and the sum named in that fidelity bond is sufficient to bind the surety (or sureties) in respect of this application.)

Dated at this day of 19.....

Signature of Applicant:

Note—The applicant is required to produce a testimonial or testimonials as to the character of the applicant or of the partners or of the directors and general manager of the company and evidence as to his or their or its financial position, as the case may be, unless the Magistrate decides otherwise.

FIRST SCHEDULE—*continued*

(To be endorsed on application for transfer)

Endorsement

I, [*Name in full or name of company*], being the licensee under the licence referred to in this application (*or* being the administrator, executor, or assignee in bankruptcy of the estate of [*Name of licensee*]) (*or* being the liquidator of [*Name of company*] the licensee referred to in this application), hereby consent(s) to the transfer of the said licence to [*Name of proposed transferee*].

Dated at this day of 19.....

Signature of Licensee (or as the case may be):

Form 10

APPROVAL OF TRANSFER

(To be endorsed on the back of the licence)

THE transfer of the within licence No. to [*Name in full and address of proposed transferee*] is hereby approved.

[*Name in full and address and, where a company is the holder, names in full and addresses*] is(are) the person(s) authorised to conduct auction sales under the licence.

Given under my hand and the Seal of the Court at this day of 19.....

.....
(Deputy) Registrar, Magistrate's Court.[*Not printed*]

Form 11

FORM OF NOTICE *re* CEASING (OR COMMENCING) TO CARRY ON
BUSINESS AT A CERTAIN PLACE

To the Registrar of the Magistrate's Court at

I, [*Name in full and address, or name of company and address*], being the holder of licence No., issued under the Auctioneers Act 1928 by the said Court on the day of 19....., hereby give(s) notice that I have ceased (it has ceased) to carry on business as an auctioneer from [*Specify place*] (*or* that I intend (it intends) to carry on business as an auctioneer from [*Specify place*] in addition to (instead of) the place(s) of business mentioned in my (its) application for the said licence.)

Dated at this day of 19.....

Signature of Licensee:[*Not printed*]

FIRST SCHEDULE—*continued*

Form 12

APPLICATION FOR CHANGE OF NAME OF PERSON ENDORSED ON
AUCTIONEER'S LICENCE

To the Registrar of the Magistrate's Court at

I, [*Name in full and address, or name of company and address*], being the holder of licence No., issued under the Auctioneers Act 1928 by the said Court on the day of 19....., hereby make application for the change of the name of the person authorised to conduct auction sales under the said licence to [*Name in full*].

(*Or in the case of a company only hereby applies for the following name [*Name in full*] to be substituted for [*Name in full*] as a person authorised to conduct auction sales under the said licence.*)

Dated at this day of 19.....

Signature of Applicant:

Form 13

APPLICATION BY A COMPANY FOR ADDITION OF NAME TO AUCTIONEER'S
LICENCE

To the Registrar of the Court at

[*Name and address of company*] being the holder of licence No., issued under the Auctioneers Act 1928 by the said Court on the day of 19....., hereby applies for [*Name in full*] to be added as a person authorised to conduct auction sales under the said licence.

A fidelity bond for £500 from [*Name of insurance company or other surety*] is hereunto annexed (*or the company filed with an application in the Magistrate's Court at for the issue (or renewal) of an auctioneer's licence a fidelity bond for £..... [*State amount of bond*] from [*Name of insurance company or other surety*] and the sum named in that fidelity bond is sufficient to bind the surety (or sureties) in respect of this application.*)

Dated at this day of 19.....

Signature of Applicant:

Form 14

CHANGE OF NAME OF PERSON AUTHORISED TO CONDUCT AUCTION SALES
(LICENCE TO INDIVIDUAL OR FIRM)

(To be endorsed on back of licence)

[*Name in full and address*] is the person authorised to conduct auction sales under this licence.

Given under my hand and the Seal of the Court at this day of 19.....

.....
(Deputy) Registrar, Magistrate's Court.

FIRST SCHEDULE—*continued*

Form 15

ADDITION OR SUBSTITUTION OF PERSON AUTHORISED TO CONDUCT
AUCTION SALES

(LICENCE TO COMPANY)

(To be endorsed on back of licence)

[*Name in full and address*] is added (*or substituted for [State name in full] named herein*) as a person authorised to conduct auction sales under this licence.

Given under my hand and the Seal of the Court at this
..... day of 19.....

.....
(Deputy) Registrar, Magistrate's Court.

Form 16

APPLICATION FOR CHANGE OF TRADE NAME OF AUCTIONEER'S BUSINESS

In the Magistrate's Court at

I, [*Name in full and address*], being the holder of licence No., issued under the Auctioneers Act 1928 by the said Court on the day of 19....., hereby apply for consent to carry on business as an auctioneer under the name or style of [*Name or style under which licensee intends to carry on business*].

Dated at this day of 19.....

Signature of Licensee:

[*Not printed*]

SECOND SCHEDULE

SCALE OF FEES

	£	s.	d.
1. For every licence issued to a company (except as provided in clause 3)—			
(a) In respect of the first person specified in the licence as the person authorised to conduct auction sales under the licence	40	0	0
(b) Additional fee in respect of each other person specified in the licence as a person so authorised	5	0	0
(c) Where the company has more than one place of business, additional fee in respect of each place of business specified in the licence (other than the first) from which it carries on the business of an auctioneer	35	0	0
2. For every other licence (except as provided in clause 3)	40	0	0

Provided that, where applications are made for the issue of licences authorising two or more persons to conduct auction sales from the same place of business (being members or employees of the applicant's firm, or the applicant and his employee or the employees of the applicant), the fee for each such licence after the first shall be £5.

SECOND SCHEDULE—*continued*

	£	s.	d.
3. For a licence available only in a special district under section 28 of the Act	5	0	0
4. Application to change name of any person authorised to conduct auction sales under a licence	1	0	0
5. Application by company to add name of person authorised to conduct auction sales under a licence	5	0	0
6. Application for consent to carry on business as an auctioneer under any name or style other than that stated in a licence	1	0	0
7. Application for transfer of licence	1	0	0
8. Notice by a company of each additional place of business	35	0	0

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the forms to be used for applications for auctioneers' licences and other forms relating to licences, and prescribe the fees payable in respect of licences and other applications made under the Auctioneers Act 1928.

The regulations also prescribe the amounts to be deducted from fees paid and applied towards the cost of administering the Act, and the amounts of the fees to be paid to local authorities in whose districts the licensees carry on business.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 February 1958.

These regulations are administered in the Department of Justice.