

**Reprint
as at 18 December 2013**



Auctioneers Regulations 1958

(SR 1958/25)

Auctioneers Regulations 1958: revoked, on 18 December 2013, by section 28(2) of the Auctioneers Act 2013 (2013 No 148).

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.

Contents

		Page
1	Title and commencement	2
2	Interpretation	2
3	Forms	2

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

4	Fees	2
5	Apportionment of fees	3
6	Revocation	4
	Schedule 1	5
	Forms	
	Schedule 2	27
	Scale of fees	

Regulations

- 1 Title and commencement**
These regulations may be cited as the Auctioneers Regulations 1958.
- 2 Interpretation**
In these regulations, unless the context otherwise requires,—
Act means the Auctioneers Act 1928
licence means an auctioneer's licence under the Act.
- 3 Forms**
- (1) The forms set out in Schedule 1 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.
- 4 Fees**
- (1) The fees specified in Schedule 2 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 30 September in any year, only half the prescribed fees shall be payable.

(3) *[Revoked]*

Regulation 4(3): revoked, on 1 April 1987, by regulation 3(a) of the Auctioneers Regulations 1958, Amendment No 4 (SR 1987/47).

5 Apportionment of fees

(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), the Registrar of the District 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 1 district, he may apportion the amount among 2 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 28 days of the issue or renewal of the licence, or within such further time as the District Court Judge may allow, appeal to a District Court Judge against any nomination made by the applicant under subclause (2), and the District Court Judge, 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 District Courts Rules 2009 (SR 2009/257).

Regulation 5(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Regulation 5(3): amended, on 1 November 2009, pursuant to rule 17.1 of the District Courts Rules 2009 (SR 2009/257).

Regulation 5(3): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

6 Revocation

The Auctioneers Regulations 1929 (*Gazette*, 31 January 1929, Vol 1, p 236) are hereby revoked.

Schedule 1
Forms
Contents

	Page
1 Application by a company for a licence under the Auctioneers Act 1928	6
2 Application by individual or partner for licence under the Auctioneers Act 1928	8
3 Form of notice of application for auctioneer's licence (or for transfer of auctioneer's licence)	10
4 Auctioneer's licence	11
5 Auctioneer's licence	12
6 Notice of objection under the Auctioneers Act 1928	13
7 Application by a company for renewal of a licence under the Auctioneers Act 1928	14
8 Application by individual or partner for renewal of licence under the Auctioneers Act 1928	16
9 Application for transfer of licence under the Auctioneers Act 1928	18
10 Approval of transfer	20
11 Form of notice <i>re</i> ceasing (or commencing) to carry on business at a certain place	21
12 Application for change of name of person endorsed on auctioneer's licence	22
13 Application by a company for addition of name to auctioneer's licence	23
14 Change of name of person authorised to conduct auction sales	24
15 Addition or substitution of person authorised to conduct auction sales	25
16 Application for change of trade name of auctioneer's business	26

Form 1
Application by a company for a licence under
the Auctioneers Act 1928

In the District Court at *[place]*

[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 1]*.

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 2 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 annexed.

(or, The applicant filed with an application in the District Court at [place] 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: *[place, date]*

Signed on behalf of *[name of company]*

Signature:

[State official position (eg, 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

Form 1—*continued*

as to the financial position of the company, unless the District Court Judge decides otherwise.

Schedule 1 form 1: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 2
Application by individual or partner for licence
under the Auctioneers Act 1928

In the District Court at [place]

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 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 1].

(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 2 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 annexed.

(or, I filed with an application in the District Court at [place] 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: [place, date]

Signature:

Form 2—*continued*

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 District Court Judge decides otherwise.

Schedule 1 form 2: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

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 District Court at *[place]* (on behalf of the firm of *[name]*) 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 1 month from *[date]*, the date of the first publication of this notice.

Date:

Signature:

Schedule 1 form 3: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 4
Auctioneer's licence
(In the case of a company)

In the District Court at *[place]*

[Name and address of company] is hereby licensed under the Auctioneers Act 1928 to carry on business as an auctioneer from *[date]* until 31 March *[year]* 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 *[place, date]*.

Signature:

(Deputy) Registrar, District Court

Schedule 1 form 4: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 5
Auctioneer's licence
(For an individual or firm)

In the District Court at *[place]*

[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 *[date]* until 31 March *[year]*.

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 *[place, date]*.

Signature:

(Deputy) Registrar, District Court

Schedule 1 form 5: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 6
Notice of objection under the Auctioneers Act
1928

To the Registrar of the District Court at *[place]*

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: *[place, date]*

Signature:

Schedule 1 form 6: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 7

Application by a company for renewal of a
licence under the Auctioneers Act 1928

In the District Court at *[place]*

[Name and address of company] hereby applies for the renewal of licence number *[specify]* 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 1]*.

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 2 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 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 District Court at [place] 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: *[place, date]*

Signed on behalf of *[name of company]*

Signature:

[State official position (eg, Managing Director, Branch Manager, etc)]

Form 7—*continued*

Schedule 1 form 7: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 8

Application by individual or partner for renewal
of licence under the Auctioneers Act 1928

In the District Court at *[place]*

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 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 number *[specify]* 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 1]*.

(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 2 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 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 District Court at [place] 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.)*)

Form 8—*continued*

Dated at: [*place, date*]

Signature of applicant:

Schedule 1 form 8: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 9
Application for transfer of licence under the
Auctioneers Act 1928

In the District Court at *[place]*

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 number *[specify]*, issued under the Auctioneers Act 1928 by the District Court at *[place]* on *[date]*, 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 annexed.

(or, I filed with an application in the District Court at *[place]*, 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: *[place, date]*

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 District Court Judge decides otherwise.

Form 9—*continued*

(To be endorsed on application of 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: [*place, date*]

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

Schedule 1 form 9: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 10
Approval of transfer

(To be endorsed on the back of the licence)

The transfer of the within licence number [*specify*] 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 [*place, date*].

Signature:

(Deputy) Registrar, District Court

[*Not printed*]

Schedule 1 form 10: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 11

Form of notice *re* ceasing (or commencing) to
carry on business at a certain place

To the Registrar of the District Court at [*place*]

I, [*name in full and address, or name of company and address*], being the holder of licence number [*specify*], issued under the Auctioneers Act 1928 by the said court on [*date*], 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: [*place, date*]

Signature of licensee:

[*Not printed*]

Schedule 1 form 11: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 12

Application for change of name of person
endorsed on auctioneer's licence

To the Registrar of the District Court at *[place]*

I, *[name in full and address, or name of company and address]*, being the holder of licence number *[specify]*, issued under the Auctioneers Act 1928 by the said court on *[date]*, 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: *[place, date]*

Signature of applicant:

Schedule 1 form 12: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 13

Application by a company for addition of name
to auctioneer's licence

To the Registrar of the court at *[place]*

[Name and address of company] being the holder of licence number *[specify]*, issued under the Auctioneers Act 1928 by the said court on *[date]*, 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 District Court at *[place]* 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: *[place, date]*

Signature of applicant:

Schedule 1 form 13: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

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 [*place, date*].

Signature:

(Deputy) Registrar, District Court

Schedule 1 form 14: amended, on 1 April 1980, pursuant to section 18(2) of the
District Courts Amendment Act 1979 (1979 No 125).

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 [*place, date*].

Signature:

(Deputy) Registrar, District Court

Schedule 1 form 15: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 16
Application for change of trade name of
auctioneer's business

In the District Court at *[place]*

I, *[name in full and address]*, being the holder of licence number *[specify]*, issued under the Auctioneers Act 1928 by the said court on *[date]*, 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: *[place, date]*

Signature of licensee:

[Not printed]

Schedule 2
Scale of fees

r 4(1)

Schedule 2: replaced, on 1 April 1987, by regulation 2(1) of the Auctioneers Regulations 1958, Amendment No 4 (SR 1987/47).

		\$
1	For the issue or renewal of any license	300
2	On application by a company to add the name of a person authorised to conduct auction sales under a license	130
3	Notice by a company of each additional place of business	130

For the purposes of item 3, only a branch office or place in charge of a resident officer of a company from which the auctioneering activities are arranged and at which the books and ledgers relating to those activities are kept for the area controlled by the branch shall be deemed to be a place of business from which the company carries on business as an auctioneer.

T J Sherrard,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 27 February 1958.

**Auctioneers Regulations
1958, Amendment No 4**
(SR 1987/47)

Paul Reeves, Governor-General

Order in Council

At Wellington this 16th day of March 1987

Present:

His Excellency the Governor-General in Council

Pursuant to section 43 of 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

1 Title and commencement

- (1) These regulations may be cited as the Auctioneers Regulations 1958, Amendment No 4, and shall be read together with and deemed part of the Auctioneers Regulations 1958 (SR 1958/25) (hereinafter referred to as the “principal regulations”).
- (2) These regulations shall come into force on 1 April 1987.

2 New scale of fees substituted

- (1) *Amendment(s) incorporated in the regulations.*
- (2) The fees prescribed by subclause (1) shall be payable in respect of every licence that takes effect on any date on or after 1 April 1987 or the renewal of which takes effect on or after that date.

Reprinted as at
18 December 2013

Auctioneers Regulations 1958

P G Millen,
Clerk of the Executive Council.

Date of notification in the *Gazette*: 19 March 1987

Reprints notes

1 *General*

This is a reprint of the Auctioneers Regulations 1958 that incorporates all the amendments to these regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Auctioneers Act 2013 (2013 No 148) section 28(2)
District Courts Rules 2009 (SR 2009/257): rule 17.1
Auctioneers Regulations 1958, Amendment No 4 (SR 1987/47)
District Courts Amendment Act 1979 (1979 No 125): section 18(2)
