This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Laws of Belize, Revised Edition 1980 - 1990.

This edition contains a consolidation of the following laws -

ARRANGEMENT OF SECTIONS

AUCTIONEERS ACT

Amendments in force as at 31st December, 2000.
BELIZE

AUCTIONEERS ACT
CHAPTER 274

REVISED EDITION 2000
SHOWING THE LAW AS AT 31ST DECEMBER, 2000

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| AUCTIONEERS ACT | 4 |

Amendments in force as at 31st December, 2000.
CHAPTER 274

AUCTIONEERS

ARRANGEMENT OF SECTIONS

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CHAPTER 274

AUCTIONEERS

[1st January, 1905]

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

2. In this Act, unless the context otherwise requires:-

“auctioneer” means a person who sells or offers for sale any goods or chattels, or any 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 increasing on the biddings made by others, or decreasing on sums named by the auctioneer or other person as auctioneer, or other person at such sale or by any other mode of sale by competition, except as hereinafter provided;

“local authority” means the Belize City Council acting in relation to Belize City, the Belmopan City Council acting in relation to the City of Belmopan, or any Town Council acting in relation to any town mentioned in the Schedule to the Town Council’s Act or which may be added to the said Schedule under that Act, as the case may be.
3. It shall not be lawful for any person to act as auctioneer unless he is duly licensed by the local authority of the district in which he resides or has his principal place of business and has given to such local authority security in the sum of two thousand dollars:

Provided that nothing herein contained shall extend to any sale of property under any judicial process or distraint for rent by the proper officer duly authorised to make such sale.

4.- (1) The security required by section 3 shall be by surety bond executed either by a guarantee society or by two responsible private sureties resident in Belize.

(2) In case of the death of a surety or his becoming in the opinion of the local authority insufficient, the licensee shall substitute the bond of another surety.

5. Whenever a bond becomes forfeited, it shall be sued upon by the Attorney General, and if any person is damned by the non-observance of any of the provisions of this Act, such person shall have a primary lien on any moneys so recovered, the amount of such damage being assessed before a judge summarily in chambers.

6.- (1) A licence to act as an auctioneer shall be in the form in the Schedule to this Act and shall be under the hand of the Mayor or Chairman, as the case may be, of the local authority and shall continue in force until the 31st December next ensuing after the issue thereof.

(2) The fee payable in each year in respect of each such licence shall be-

(a) if the licence is taken out before the first day of July ... ... ... ... ... ... ... ... ... ... ... ... $100.00
(b) if the licence is taken out after the thirtieth day of June ... ... ... ... ... 50.00

By whom granted.

7. The licence mentioned in section 6 shall be granted by the local authority of the district in which the person to be licensed resides or has his principal place of business on payment of the licence duty made payable by law in respect of the same and subject to such person giving the prescribed security.

Unlicensed auctioneers.

8. Every person acting as an auctioneer without having been duly licensed shall be liable to a fine not exceeding five hundred dollars for each offence.

Auctioneer not to bid, etc.

9. Any auctioneer who directly or indirectly purchases on his own account or bids or procures to be made a bid for anything being offered for sale by him as such auctioneer, unless he first openly declares that he reserves to himself the right so to bid, and when bidding in each case declares the bid to be his own, shall be liable to a fine not exceeding two hundred dollars for each offence, and such bid and sale shall be void.

Account of sales.

10. Every auctioneer shall, within seven days after any sale by him, furnish a true and correct account of all articles sold, to the person on whose behalf or by whose direction such sale was made, and shall within such period duly pay over to such person or his duly authorised agent the proceeds of such sale after deducting therefrom his commission, and in default he shall be liable to a fine not exceeding one hundred dollars.

Wrecked goods, sale of.

11.-(1) Every auctioneer who sells wrecked property at auction shall be liable for all import duties payable thereon, and shall within seven days after such sale make a true and correct account and return of the property sold, duly declared to the officer of the Comptroller of Customs or district accountants, as the case may be, and at the same time pay over to such officer the full amount of all such duties.

(2) In default of compliance with the provisions of subsection (1) of this
section, the auctioneer shall be liable to pay double the amount of such duties, together with a fine not exceeding five hundred dollars.

12. When any person becomes the highest bidder at public auction for any property there exposed for sale, and does not within forty-eight hours, or in the event of any other limited time being specially fixed, then within such time, pay for the same, it shall be lawful for the auctioneer selling such property to charge against, receive and recover from the person purchasing the same, interest at the rate of six per centum per annum, for such time as the purchase money of such property or any part of such purchase money shall be in arrears and unpaid:

Provided that when any property is exposed for sale on credit, with any conditions annexed to such credit and the person becoming the highest bidder for the same refuses or neglects to comply with such conditions, then and in every such case every sale shall be taken and considered to be a cash sale, and the purchase money shall be recoverable forthwith with interest at six per centum per annum from the date of sale until recovery.

13.- (1) When any person becomes the highest bidder at public auction for any property there exposed to sale and does not within the appointed time pay for it or settle with the auctioneer agreeably to the conditions of the sale, it shall be lawful for such auctioneer to take possession of and expose the same property to sale again at public auction at any time within three months thereafter while the property remains in the possession of the auctioneer or of the purchaser.

(2) If upon such re-sale the property does not then realise as much money as was bid for it at the first sale, the deficiency, with the costs and charges, may be recovered by the auctioneer in an action for debt from the purchaser at the prior sale who made default as aforesaid.

(3) If the property is concealed for the purpose of defeating the auctioneer’s right, and he makes an affidavit to that effect before a magistrate, he shall thereupon be entitled to have a search warrant to search for and recover it and
in the meantime the aforesaid claims of such auctioneer in any property so sold at auction and not paid for, shall have priority over all other claims whatever, save those of an intermediate *bona fide* purchaser for full value without notice.

<table>
<thead>
<tr>
<th>List of licences to be kept.</th>
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<tr>
<td>14. It shall be the duty of the local authority to keep lists of all licences issued by them under this Act exposed to public view in some conspicuous place in their respective offices.</td>
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<tr>
<th>Commission.</th>
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<tr>
<td>15. Every auctioneer licensed under this Act shall in the absence of any special agreement for a smaller percentage, be entitled to charge in respect of sales not exceeding in the whole the sum of fifty dollars a commission not exceeding ten <em>per centum</em> for the first fifty dollars and five <em>per centum</em> for all above the first fifty dollars.</td>
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<th>Cancellation of licences.</th>
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<td>16. Every auctioneer convicted of any offence against this Act shall, in addition to any penalty which he may incur, be liable at the discretion of the court before which he has been convicted to have his licence cancelled.</td>
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<th>Penalties, procedure.</th>
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<td>17. All penalties under this Act may be recovered on summary conviction.</td>
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Auctioneers

SCHEDULE

[Section 6]

Auctioneers’ Licence

The Belize City Council, Belmopan City Council, or Town Council of the Town hereby in pursuance of the Auctioneers Act, Chapter 274, licenses to act as auctioneer in and throughout Belize from the date hereof until 31st December next ensuing subject to his giving the prescribed security.

DATED this day of , 20 .

For Local Authority