ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER A110

AUCTIONEERS ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—

Act 6/2010, in force 1 November 2010
Act 7/2010, in force 1 November 2010

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AUCTIONEERS ACT

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AUCTIONEERS ACT

Interpretation

1. Any person—

(a) who exercises or carries on the trade or business of an auctioneer;

(b) who acts in such capacity at any sale; or

(c) who sells or offers for sale any goods or chattels, 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 by increasing upon the biddings made by others or decreasing on sums named by the auctioneer or person acting as auctioneer, or other person at such sale, or by any other mode of sale by competition;

is an auctioneer within the meaning of this Act.

Application of Act

2. This Act shall not apply to auction sales—

(a) by the Registrar, Bailiff or any other officer of a court on legal process in the exercise of any powers conferred on him by law; or

(b) by any police officer or other public servant in any department of the Government Service where such sales are held under the provisions of any written law or departmental regulation.

Licence necessary

3. No person shall, except as hereinafter provided, carry on the business of an auctioneer unless he has obtained from the Comptroller of Inland Revenue a licence in the form in the Schedule 1, but no licence shall be issued to any person until he shall give to the satisfaction of the Comptroller of Inland Revenue good and sufficient security in the sum of $960 for the faithful performance of the duties of his calling or business and for the purpose of securing the payment of any fines, penalties, judgments, damages or costs which may be imposed upon or recovered against him as auctioneer.

(Act 6/2010, s. 41)

Duration and conditions of licence

4. Every such licence shall continue in force from the day on which it is granted until the 31st of December next ensuing, and shall be subject to such conditions as are therein specified.

Licence duty

5. (1) The amount payable to the Comptroller of Inland Revenue for every such licence shall be $9.60.

(Act 6/2010, s. 41)

(2) Every such amount shall form part of the Consolidated Fund.

(Act 7/2010, s. 26)

Refusal and cancellation of licences

6. (1) Notwithstanding anything in the preceding sections contained, the Comptroller of Inland Revenue may refuse any application for an auctioneer's licence or to renew any such licence and may cancel the licence of any auctioneer who has—

(a) been convicted of any offence under this Act;

(b) failed to account for or pay over any money or property which has come into his possession or control as such auctioneer;

(c) parted with any property entrusted to him for sale without obtaining payment for the same and has failed to make good to his employer the value thereof; or

(d) otherwise misconducted himself as an auctioneer.

(Act 6/2010, s. 41)

(2) A refusal to issue or to renew, or the cancellation of, an auctioneer's licence shall be notified to the person affected thereby under the hand of the Comptroller of Inland Revenue.

(Act 6/2010, s. 41)

(3) Any person aggrieved by any action of the Comptroller of Inland Revenue under this section may appeal to the Governor in Council whose decision shall be final.

(Act 6/2010, s. 41)

List of licensed auctioneers to be published

7. The Comptroller of Inland Revenue shall, at the beginning of every month, cause to be published in the *Gazette* and in one or more of the local newspapers, if any, a list of the persons to whom licences shall have been granted by him during the preceding month and, if at any time he shall cancel any such licence, he shall publish in like manner as aforesaid the name of the person whose licence shall have been so cancelled.

(Act 6/2010, s. 41)

Penalty for selling without licence

8. Any person who carries on the business of an auctioneer without being duly licensed is liable on summary conviction—

(a) for a first offence, to a fine of $1,920; and

(b) for a second or subsequent offence, to a fine of $9,600.

Keeping of accounts by auctioneer

9. (1) Every auctioneer shall keep a regular and correct account of all property sold by him at auction, such account to be written in a book to be kept for that purpose, in the form contained in Schedule 2, and every such account shall be open to the inspection of every person interested, but it shall be a sufficient compliance with the provisions of this subsection if an entry is made in such book of the name of the person to whom the property sold belongs, together with a reference to some other book where is kept an account containing the particulars mentioned in the form aforesaid.

(2) Any person who fails to keep such account in the manner hereinbefore mentioned, or hinders or prevents any person interested from inspecting any such book, is liable on summary conviction to a fine of $1,920.

Remuneration payable to auctioneers

10. (1) On a sale or attempted sale at auction of the properties referred to in Schedule 3, an auctioneer shall be entitled, in respect of such sale or attempted sale, to demand and to receive the relevant commission or fee specified in that Schedule.

(2) Any auctioneer who demands, receives or retains any commission or fee in excess of the commission or fee hereby chargeable is liable to a fine of $1,920.

Power to grant permission to sell at auction without licence

11. Notwithstanding anything in this Act, the Governor may grant permission to any Government Officer to sell at auction any property on account of the Government of Anguilla, or of any Government Department of Her Majesty's Imperial Service.

Citation

12. This Act may be cited as the Auctioneers Act, Revised Statutes of Anguilla, Chapter A110.

SCHEDULE 1

(Section 3)

FORM OF LICENCE TO CARRY ON BUSINESS AS AN AUCTIONEER

I hereby authorise …….....…..... of …….…….....
to carry on trade or business as an auctioneer. This licence expires on the 31st of December, 20……..., and is issued subject to the conditions on the back hereof. Any breach of the said conditions involves the cancellation of the licence.

The ….....…... day of …….....……...…., 20…..... .

Comptroller of Inland Revenue

(Act 6/2010, s. 41)

———————

SCHEDULE 2

(Section 9)

FORM OF SALES BOOK

Sale of Property belonging to .....…….....

Address .....…….…….....……..……..

Date	Specification of Articles	Purchaser	Securities	Amount	Terms of Payment

———————

SCHEDULE 3

(Section 10)

COMMISSIONS AND FEES

PART 1

WHERE A SALE IS EFFECTED

Commission, in addition to all out-of-pocket expenses and storage fees, if any, calculated on the purchase price at the under-mentioned rates shall be chargeable—

On a sale of personalty of every description, at a rate not exceeding 10%.

On a sale of realty, equities of redemption, or chattels real, at the rates following—

not exceeding $480	5%
exceeding $480 and not exceeding $2,400	$24
exceeding $2,400 and not exceeding $4,800	1¼%
exceeding $4,800 and not exceeding $24,000	1%
	provided that the commission shall in no case be less than $50.40
exceeding $24,000 and not exceeding $48,000	¾%
	provided that the commission shall in no case be less than $240
exceeding $48,000	½%
	provided that the commission shall in no case be less than $360

If the property is sold by private contract, with the authority of the vendor, either before or at the auction, the commission is payable; or if the property is sold by private contract after the auction, provided the authority to sell is continued after the auction, the commission is payable.

PART 2

WHERE SALE IS NOT EFFECTED

The following fixed fees, in addition to all out-of-pocket expenses and storage fees, if any, shall be chargeable in respect of every description of property—

Where the reserved price does not exceed $480, a fee of	$5.04
Where the reserved price exceeds $480 and does not exceed $960, a fee of	$10.08
Where the reserved price exceeds $960 and does not exceed $1,920, a fee of	$15.12
Where the reserved price exceeds $1,920 and does not exceed $2,880, a fee of	$25.20
Where the reserved price exceeds $2,880, a fee of	$35.28

On a mortgagee's sale where no reserve price is fixed, the reserve price shall be deemed to be the amount secured by mortgage. In other cases where no reserve price is fixed, the reserve price shall be deemed to be the value of the property as agreed between the person offering the property for sale and the auctioneer.

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