

TRINIDAD AND TOBAGO.

Date of coming into force 10.10.13
Revised 10.10.13
Auctioneers.

No. 20.—1913.

16th April.

AN ORDINANCE relating to Auctioneers.

[L.S.]

GEORGE R. LE HUNTE,

GOVERNOR.

16th June, 1913.

BE it enacted by the Governor of Trinidad and Tobago with the advice and consent of the Legislative Council thereof as follows :—

1. This Ordinance may be cited as the Auctioneers Short Title Ordinance, 1913.

2. Every person who exercises or carries on the trade of Definition. an auctioneer, or who acts in such capacity at any sale, and every person who sells or offers for sale any goods, 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 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 shall be deemed to be an auctioneer.

3 From and after the expiration of three months from Licence necessary. the date on which this Ordinance comes into operation, no person shall, except as hereinafter provided, carry on the

business of an auctioneer unless he has obtained from the Receiver-General a license in the Form in Schedule I hereto.

Duration and conditions of License.

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

License Duty.

5—(1.) Five pounds shall be the amount payable to the Receiver-General for every such license; provided that in the case of a person who at the time of the passing of this Ordinance holds a general certificate as a Bailiff under the provisions of the Bailiffs Ordinance, 1909, and of the Regulations made or in force thereunder, the annual amount payable by him for an Auctioneer's license shall, so long as he holds such a certificate continuously, be the sum of ten shillings.

(2.) All such amounts shall form part of the general revenue of the colony.

Receiver-General may refuse to issue license and attach conditions and may cancel license.

6.—(1.) The Receiver-General may refuse to grant any such license, and may in his discretion attach such conditions thereto as he may deem expedient, and may cancel such license in the event of the breach of any such condition being proved to his satisfaction.

(2.) The Receiver-General shall not grant a license to a pawnbroker as defined by the Pawnbrokers Ordinance No. 141, or to any servant, apprentice or agent of a pawnbroker.

List of licensed auctioneers to be published.

7. The Receiver-General shall at the beginning of every month cause to be published in the *Royal Gazette* and in one or more of the local newspapers a list of the persons to whom licenses shall have been granted by him during the preceding month; and if at any time he shall cancel any such license he shall publish in like manner as aforesaid the name of the person whose license shall have been so cancelled.

Penalty for selling without license.

8. Any person who carries on the business of an auctioneer without being duly licensed is liable to a penalty not exceeding Fifty Pounds.

Board containing name, &c., of auctioneer.

9.—(1.) Before beginning any auction, every auctioneer shall affix or suspend, and shall keep the same so affixed or suspended during the whole time the auction is being held,

a board or ticket containing his true and full Christian name and surname and place of business painted or written in large letters publicly visible and legible, in some conspicuous part of the room where the auction is held, so that all persons may easily read the same.

(2.) Any auctioneer acting in contravention of any of the provisions of the preceding sub-section is liable to a penalty not exceeding Twenty Pounds.

10.—(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 II to this Ordinance, and every such account shall be open to the inspection of every person interested; provided always that it shall be a sufficient compliance with the provisions of this sub-section 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.

Keeping of
accounts by
auctioneer.

(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 to a penalty not exceeding Ten Pounds.

11.—(1.) Save and except in the case of:—

- (a.) goods, wares and merchandise of a perishable nature which it may be necessary to sell at auction without delay; or
- (b.) goods, wares and merchandise imported into this Colony or brought from Trinidad to Tobago or from Tobago to Trinidad and in each case damaged on the voyage and ordered after survey in the customary manner to be sold for the benefit of those whom it may concern; or
- (c.) pledges sold at auction under the provisions of the Pawnbrokers Ordinance, No. 141;

Advertising
property for
sale.

it shall not be lawful for any auctioneer to sell by auction any property unless an advertisement for eight days previously to the date of any such sale has been by such auctioneer inserted and published in one or more of the

newspapers of the colony, disclosing the name of the person or persons by whose order such sale by public auction is to take place and the name of the owner of such property, and containing a full and accurate description of the property to be sold as aforesaid; provided always that such period of eight days may be reduced to a period of not less than four days on the direction in writing under his hand given by the owner to the auctioneer.

(2.) Any person acting in contravention of the provisions of the preceding sub-section, is liable to a penalty not exceeding Twenty pounds.

Power to grant permission to sell at auction to Imperial or Colonial Officer.

12.—(1.) Notwithstanding anything in this Ordinance, the Governor may from time to time grant permission to the head of any department in His Majesty's Imperial or Colonial Service to sell at auction, by himself or by any of his officers or clerks authorized by him in writing, any property on account of the department or branch of the service to which he belongs.

(2.) Such permission may be either general or for a special occasion. If it is general, it shall subsist until it is revoked by the Governor.

Description.

13. Nothing contained in this Ordinance shall apply to sales at auction—

- (1.) Under any judgment order or decree or under any process of any Court in this Colony;
- (2.) Directed by the Port-of-Spain Town Board or any Municipal or Water Authority for non-payment of rates, charges or expenses; or
- (3.) Under a distress for non-payment of rent to less amount than £20.

Recovery of penalties.

14. All penalties under this Ordinance may be recovered in the name of the Receiver-General or of some person authorised in writing by him either generally or in a special case before any Magistrate in the manner provided by the Summary Conviction Offences (Procedure) Ordinance No. 1.

15. This Ordinance shall commence and come into operation on a date to be proclaimed by the Governor. Commence-
ment.

Passed in Council this Sixteenth day of April in the year of Our Lord one thousand nine hundred and thirteen.

HARRY L. KNAGGS,
Clerk of the Council.

SCHEDULE I.

Form of License to practise as an Auctioneer.

I, _____, of _____ (Receiver-General), do hereby authorise to carry on trade or business as an Auctioneer.

This License expires on thirty-first December, 19____, and is issued subject to the conditions on the back hereof. Any breach of the said conditions involves the cancellation of the license.

The _____ day of _____ 19____. *Receiver-General.*

SCHEDULE II.

Form of Sales Book.

Sale of Property belonging to

Date.	Specification of Article.	Purchaser.	Securities.	Amount.	Terms of Payment.