



BELIZE

**AUCTIONEERS ACT
CHAPTER 274**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

This edition contains a consolidation of amendments made to the Act by Act No. 22 of 2004

CHAPTER 274**AUCTIONEERS****ARRANGEMENT OF SECTIONS**

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CHAPTER 274

AUCTIONEERS

[1st January, 1905]

Ch. 97.
R.L., 1958.
CAP. 223,
R.E. 1980-1990.
22 of 2004

Short title. **1.** This Act may be cited as the Auctioneers Act.

Interpretation. **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;

22 of 2004. “CARICOM Member State” means a State which is a party to the Treaty of Chaguaramas establishing the Caribbean Community, including the CARICOM Single Market and Economy;

“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, Cap. 87 or which may be added to the said Schedule under that Act, as the case may be.

Auctioneers to give security. **3.**-(1) 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,

(2) 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.

(3) The nationality of a national of a CARICOM Member State shall not be a ground for the refusal of the grant of a licence by the local authority.

22 of 2004.

4.-(1) The security required by section 3 of this Act, shall be by surety bond executed Surety bond. either by a guarantee society or by two responsible private sureties resident in CARICOM Member State.

Surety bond.
22 of 2004.

(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 damnified 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.

Forfeiture.

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 Chairperson, as the case may be, of the local authority and shall continue in force until the 31st December next ensuing after the issue thereof.

Licences.
Schedule.

(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

7. The licence mentioned in section 6 of this Act, 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.

By whom granted.

Unlicensed auc-
tioneers.

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.

Liability of high-
est bidder.

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.

Re-sale on non-payment.

(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.

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.

List of licences to be kept.

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 *per centum* for the first fifty dollars and five *per centum* for all above the first fifty dollars.

Commission.

Cancellation of licences.

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.

Penalties, procedure.

17. All penalties under this Act may be recovered on summary conviction.

No visas, work permits etc.; for CARICOM nationals who are licensed auctioneers. 22 of 2004.

18.—(1) Notwithstanding any thing to the contrary in any other law, where a national of a CARICOM Member State is licensed as an auctioneer under this Act, such a person shall not require a work permit to provide the services of an auctioneer in Belize, or an immigration visa or other immigration permit to enter, leave or reside in Belize for the purposes of providing services as auctioneer.

(2) For the purposes of providing services as an auctioneer, a person referred in subsection(1) of this section shall enjoy all the benefits, advantages and privileges conferred by law on a licensed auctioneer who is a citizen of Belize.

SCHEDULE

AUCTIONEERS ACT

Auctioneers' Licence

[Section 6]

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