

Uganda

## Auctioneers Act

### Chapter 270

Legislation as at 31 December 2000

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# Uganda

## Auctioneers Act

### Chapter 270

Commenced on 1 January 1917

*[This is the version of this document at 31 December 2000.]*

*[Note: The version of the Act as at 31 December 2000 was revised and consolidated by the Law Reform Commission of Uganda. All subsequent amendments have been researched and applied by Laws.Africa for ULII.]*

**An Act relating to auctioneers.**

### Part I – General

#### 1. Interpretation

In this Act, unless the context otherwise requires—

- (a) “**auctioneer**” includes every person selling by auction;
- (b) “**licensing authority**” means—
  - (i) in respect of any city, municipality or town, its council or board; and
  - (ii) in respect of places outside a city, municipality or town, the chief executive officer of the administration;
- (c) “**owner**” includes any person lawfully entitled to sell any property.

#### 2. Business of auctioneer

Every person who sells or offers for sale any movable or immovable property or any interest in the property at any sale or roup where any person becomes or may become the purchaser of the property or interest in the property by competition and being the highest bidder, either by being the sole 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 the sale, or by any other mode of sale by competition shall be deemed to carry on the business of an auctioneer.

### Part II – Licences

#### 3. Auctioneers to be licensed

- (1) Except as provided in [section 17](#), no person shall carry on the business of an auctioneer without being licensed for that purpose for that purpose under this Act either by a general licence or by a local licence applicable to the place at which he or she is carrying on the business.
- (2) Any person contravening this section commits an offence and is liable on conviction to a fine not exceeding one thousand five hundred shillings.

#### 4. Licences, general and local

Licences shall be of two kinds—

- (a) general, authorising the licensee to carry on the business of an auctioneer anywhere in Uganda;

- (b) local, authorising the licensee to carry on the business of an auctioneer only in the place named in the licence.

## **5. General licences required for certain places**

- (1) No local licence shall authorise any person to carry on the business of an auctioneer in Entebbe, Kampala or Jinja, and that business may be carried on in any of those places only by the holder of a general licence.
- (2) The Minister may, by statutory instrument, add any other place to those named in this section.

## **6. Granting of licences discretionary**

The licensing authority may grant or withhold any licence at its discretion, subject to appeal to the Minister.

## **7. Security may be required**

Before a licence is granted the applicant shall, if so required by any rules made under this Act, give security in such form and in such amount as may be prescribed to answer for the faithful discharge of his or her office.

## **8. Fees**

The fees specified in the First Schedule to this Act shall be payable for licences granted under this Act.

## **9. Expiration of licences**

All annual licences shall expire on the 31st December in each year, unless previously revoked; and all half-yearly licences shall expire on the 30th June or 31st December following the date of issue, unless previously revoked.

## **10. Forms**

Licences shall be in one of the forms set forth in the Second Schedule to this Act, with such alterations as may be necessary.

# **Part III – Sales by auction**

## **11. Auctioneers to accept the sale of all property offered by owners**

- (1) Every licensed auctioneer shall, on the requisition of the owner of the property, accept the sale of all property which he or she is not prohibited by law from selling, which may be offered to him or her for sale in the place in which he or she carries on his or her ordinary business as an auctioneer, and shall sell the property within such time as the owner may require, or as soon thereafter as is possible, having regard to the sale of other property with which he or she has been entrusted; except that the auctioneer shall not be bound to sell the property sooner than seven days after he or she has accepted the sale of the property.
- (2) Nothing in this section shall be held to restrict any auctioneer from selling at the same sale the property of more than one owner, so as the goods are lotted consecutively and in such manner that no owner's goods may become mixed with the goods of any other owner.

## **12. Restriction on certain sales**

- (1) No auctioneers licence shall authorise any person to sell any intoxicating liquor contrary to the provisions of the Liquor Act, or any enactment amending or in substitution for that Act.
- (2) Except as may be otherwise provided by law, no auctioneers licence shall authorise any person to deal in or sell, either on account of or for the benefit of himself or herself or of any other person, anything the dealing in or sale of which is prohibited to persons other than those duly licensed, registered, or otherwise authorised for that purpose.

## **13. Auctioneer's name and address to be displayed at sale**

- (1) Every licensed auctioneer, before beginning any auction, shall display and during the whole time of the auction keep displayed in some conspicuous part of the room or place where the auction is held a ticket or board containing his or her true and full name and residence, painted, printed or written in large letters, publicly visible and legible.
- (2) If any auctioneer fails to comply with this section, he or she commits an offence and is liable on conviction for every such offence to a fine not exceeding one hundred and fifty shillings.

## **14. Sales without reserve, reserve price, etc.**

- (1) It shall be stated in the particulars or conditions of sale by auction of any movable or immovable property whether the sale is without reserve or subject to a reserve price, or whether a right to bid is reserved.
- (2) If it is stated that the sale is without reserve or to that effect, then it shall not be lawful for the owner or any person on his or her behalf or employed by him or her to bid at the sale, or for the auctioneer to take knowingly any such bidding.
- (3) If it is stated that the sale will be subject to a reserve price as regards any one or more lots, it shall be lawful for the owner or any person employed by him or her to give one bid for each such lot and no more.
- (4) If it is stated that the sale will be subject to a right for the owner to bid, it shall be lawful for the owner, or for any one person on his or her behalf, but not more than one, to bid at the auction in such manner as he or she shall think proper.
- (5) If the owner or any person employed by him or her or on his or her behalf bids at any sale contrary to any of the provisions of subsections (1) to (4), any purchaser may refuse to fulfill his or her purchase, but the highest bona fide bidder shall be entitled, if he or she shall so elect, to have the immovable or movable property at the price offered by him or her.
- (6) No auctioneer shall make a bid either on behalf of himself or herself or as agent for any other person unless on making the bid he or she shall announce that it is his or her bid.
- (7) Any auctioneer who knowingly receives or makes any bid contrary to any of the provisions of this section commits an offence and is liable on conviction to a fine not exceeding one thousand five hundred shillings, and to have his or her licence suspended or revoked.

## **15. Recovery of purchase money and payment**

- (1) The auctioneer making any sale by auction shall, unless it is agreed otherwise between him or her and the owner, be entitled to sue for, recover and discharge all sums due in respect of the sale.
- (2) The auctioneer shall, unless it is agreed otherwise between him or her and the owner, be liable for the due payment to the owner of the net proceeds of all sales of property within ten days from the time of sale of the property.

## 16. Order of suspension or revocation of licence

- (1) Any court imposing a fine under this Act upon any auctioneer or convicting any auctioneer of any offence in relation to any property entrusted to him or her for sale or in relation to the proceeds of the sale of the property may, if it appears that the offence is of such nature as to require the licence of the auctioneer to be suspended or revoked, make an order to that effect, and the licence shall be suspended or revoked accordingly.
- (2) Any court making an order of suspension or revocation of a licence shall immediately intimate that order to the licensing authority which has granted the licence.

## 17. Auctioneer's licence not necessary in certain cases

It shall not be necessary for any person selling any movable or immovable property by auction to take out a licence required by this Act in any of the following cases—

- (a) any person selling any property under an order or process of a court;
- (b) any poundmaster or poundkeeper selling any animal which has been impounded;
- (c) any officer in the service of the Government selling property of the Government or by direction of the Government;
- (d) any person selling his or her own property.

## 18. Rules

The Minister may make rules for better carrying out the purposes and provisions of this Act and among other matters may—

- (a) require that an applicant for a licence under this Act shall give security for the faithful discharge of his or her office, and prescribe the amount of security to be required and the form in which security may be accepted;
- (b) may prescribe the maximum rate of commission which an auctioneer shall be entitled to demand, recover or retain as remuneration for his or her services and provide that any agreement to pay or allow any higher rate than is prescribed shall not be binding; and
- (c) may prescribe penalties not exceeding a fine of seven hundred and fifty shillings for breach of any such rule, and may provide that in the case of the breach of any rule by a person holding a licence under this Act, the licence may be suspended or revoked by a court.

### First Schedule (s. 8)

#### Fees for auctioneers licences

	Half-yearly fee shs.	Annual fee shs.
For a general licence	170	300
For a local licence (not to be issued for Entebbe, Kampala or Jinja)	90	150

**Second Schedule (s. 10)****Forms*****Republic of Uganda******Form A******Auctioneers General Licence******The Auctioneers Act***

No. \_\_\_\_\_

Licence is granted to \_\_\_\_\_ of to carry on the business of an auctioneer in Uganda subject to the Auctioneers Act.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Fee paid shs: \_\_\_\_\_

\_\_\_\_\_

Licensing Authority

This licence expires on \_\_\_\_\_.

***Republic of Uganda******Form B******Auctioneers Local Licence******The Auctioneers Act***

No. \_\_\_\_\_

Licence is granted to \_\_\_\_\_ of \_\_\_\_\_ to carry on the business of an auctioneer in subject to the Auctioneers Act.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Fee paid shs: \_\_\_\_\_

\_\_\_\_\_

Licensing Authority

This licence expires on the \_\_\_\_\_