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## CHAPTER 376

### AUCTION

#### **An Act relating to auctioneers.**

*[Commencement 23rd May, 1872]*

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

2. It shall not be lawful for any person to act as an auctioneer or vendue master within The Bahamas unless he shall have been first duly licensed as such by the Treasurer, or if resident in an Out Island by the commissioner, acting as collector of revenue for the district for which the licence shall be required; and shall have entered into bond to Her Majesty, Her Heirs and Successors, with two or more sufficient sureties in the penal sum of two thousand dollars with the following conditions thereunder written, that is to say —

“The condition of this obligation is such that if the above bounden (here insert name of auctioneer) shall from time to time render true and faithful accounts of all property sold by him at public auction to the Treasurer, or other proper officer as required by law, and submit and deliver to the said Treasurer, or other officer, for inspection and examination his vendue books, as is also required by law, and shall well and faithfully pay to the said Treasurer or other proper officer all sums of money which may be or become payable by the said (here again insert name of auctioneer) as an auctioneer, in respect of duties or taxes, which he is or may be liable by law to pay, then this obligation to be void, otherwise to remain in full force and effect”:

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

*16 of 1872*

*14 of 1885*

*13 of 1897*

*27 of 1898*

*15 of 1932*

*8 of 1980*

*5 of 1987*

Short title.

Illegal to act as auctioneer or vendue master without a licence and entering into bond.

*5 of 1987, s. 2.*

Bond and condition.

Form, duration  
and nature of  
licence.

*13 of 1897, s. 4*  
*15 of 1932, s. 2.*

**3.** (1) Licences granted under this Act shall be in such form as the Treasurer shall from time to time sanction, shall continue in force for the period mentioned therein and no longer, shall set forth the particular district in which the party obtaining it intends to carry on his business, and shall only have force and effect within the district for which the officer granting it is authorised to act. Such licences may be for a year, or any part thereof not less than a month, and shall be issued so as to expire on the thirty-first day of December next succeeding the date of issue.

Fees for licences  
at Nassau and  
Out Islands.

*5 of 1987, s. 2.*

(2) Where a licence to act as an auctioneer or vendue master is issued for a year the fee shall be —

- (a) for New Providence, twenty dollars; and
- (b) for any Out Islands, eight dollars,

and every such fee shall be paid before the delivery of the licence in respect of which it is payable, and shall be passed by the officer receiving the same to the credit of the general revenue.

Proportionate  
part of fee  
payable for a  
licence issued for  
less than a year.  
*13 of 1897, s. 6.*

(3) Where a licence is issued for a period less than a year, the person obtaining the same shall pay therefor a sum equivalent to as many twelfths of the fee authorised by subsection (2) of this section according to the district for which it is issued as the said licence has months to run:

Provided that in the case of a licence issued during any month the whole of such month shall be included in calculating the amount to be paid for such licence.

Bond to be taken  
by Treasurer or  
commissioner  
without fees.

**4.** Every bond under this Act shall be taken by the Treasurer or commissioner, as the case may be, without fees, and shall continue in force during the period for which the person on whose behalf it was taken shall act as an auctioneer:

Provided that it shall be lawful for the Treasurer or commissioner, as the case may be, if he should at any time become dissatisfied with the sufficiency of the security, to require other sureties to be given, and it shall also be competent for any surety named in any such bond to withdraw from being a surety, by giving three months' notice in writing to that effect to the Treasurer or commissioner of the district within which the principal of any such bond is acting as an auctioneer.

5. Every auctioneer selling wrecked property at auction shall be liable for all important duties payable thereon, and shall within ten days after each day's sale make a true and correct account and return of the property so sold to the Treasurer or collector of revenue, as the case may be, and at the same time pay to the Treasurer or collector the full amount of all such duties.

Auctioneers selling wrecked property liable for all import duties thereon.

6. To every statement, account or return rendered by an auctioneer under section 5 of this Act, there shall be appended a declaration in the following form —

Form of declaration to be appended to every statement, etc.

“I (*here insert name and address*) do solemnly declare that the foregoing (*statement, account or return, describing the paper according to its nature*) is in all respects correct and true, and I hereby declare that this declaration is made by me, subject to the provisions of the Acts for substituting declarations in lieu of oaths, and providing for the punishment of persons who shall make false declarations.”

All such declarations shall be subscribed with the name of the party making the same, written in his proper handwriting, in the presence of the Treasurer or cashier, or when made at an Out Island in the presence of the commissioner, and shall be attested by the officer so taking the same in the following words:

Declaration to be subscribed in presence of Treasurer, cashier or commissioner.

“Subscribed and declared to in my presence, this day of A.D. 19 .

Signed, A.B., Treasurer, cashier or commissioner *as the case may be.*”

7. Any person who shall act as an auctioneer without having been first duly licensed as heretofore provided or who shall so act after the expiration of any licence which may have been held by him, notice of such expiration having been given to him as hereinafter provided for, or who being so licensed shall act as an auctioneer without having first entered into bond, as hereinbefore provided for, shall for every offence forfeit and pay a sum of two hundred dollars.

Penalty for acting as auctioneer without a licence.

15 of 1987, s. 2.

Penalty for neglecting to return necessary documents and pay taxes and dues required by this Act.  
*5 of 1987, s. 2.*

**8.** Any auctioneer who shall neglect to make and return or deliver to the proper officer any statement, account, return or book by this Act required to be made, returned or delivered, or who shall neglect to pay the taxes and duties by this Act required to be paid by him, shall forfeit and pay for every day during which he shall make any such default the sum of forty dollars; and any auctioneer who shall knowingly make or cause, or allow to be made, any false entries in any such statements, accounts, returns or books, shall, in addition to the penalties which may attach to him for having made a false declaration, forfeit and pay the sum of two hundred dollars.

Persons not complying with conditions of sale liable to pay interest on purchase-money.

**9.** When any person shall become the highest bidder at public auction for any property there exposed for sale, and shall not within forty-eight hours (if no limited period be fixed for payment, or at the expiration of the period fixed for payment, if sold at a credit), pay for the same, then, and in every such case, it shall and may be lawful for the auctioneer selling such property to charge against, receive and recover from the person purchasing the same, interest at and after 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 and remain in arrear and unpaid:

Provided that when any property is exposed to sale at a credit, with any conditions annexed to such credit, and the person becoming the highest bidder for the same, shall refuse or neglect to comply with such conditions, then, and in every such case, every such sale shall be taken and considered to be a cash sale, and interest shall be chargeable and recoverable accordingly.

Property not settled for in accordance with conditions of sale may be taken possession of and sold by auctioneer.

**10.** When any person shall become the highest bidder at public auction for any property there exposed to sale, and shall not within forty-eight hours pay for the same, or settle with the auctioneer agreeably to the conditions of the sale, in such case it shall be lawful for such auctioneer to take possession of and expose the same property to sale at public auction, at any time within six months after, while the property remains in possession of the auctioneer or of the purchaser, and if the property shall not then bring as much money as was bid for the same at the first sale, the former bidder failing to comply with the conditions of sale, as aforesaid, shall make good the difference in price, with

the cost and charges, to be recovered by the auctioneer as other debts due for property sold at auction on commission are recovered; and if any auctioneer shall have reason to believe that any such property sold at auction and not paid for is concealed for the purpose of defeating his aforesaid right, and he shall make affidavit to that effect before a magistrate, he shall thereupon be entitled to have from such magistrate a search warrant, addressed to any peace officer, to search for and restore the same according to the true intent and meaning of this Act, and in the meantime the aforesaid claims of such auctioneer on any property so sold by auction and not paid for shall have precedency of all other liabilities whatever.

**11.** This Act shall not be held or construed to apply in any manner to persons selling by tender or to sales by tender:

This Act not to apply to sales by tender.  
*14 of 1885, s. 1.*

Provided that, where sponge is so sold, the person selling the same shall immediately after the highest bidder or bidders for such sponge shall have been declared the purchaser or purchasers thereof, announce and declare in a loud, distinct and audible manner the price for which each lot of sponge has been sold to such purchaser or purchasers thereof.

**12.** Any person selling sponge by tender who fails or neglects to make the announcement required by the proviso to section 11 of this Act, shall forfeit and pay the sum of forty dollars.

Penalty.  
*14 of 1885, s. 2; 5 of 1987, s. 2.*

**13.** It shall be lawful for any person interested in the sale of any sponges by tender to demand from the person selling the same a written statement or memorandum showing the price for which such sponge has been sold by such person, and which has been announced by such person according to the proviso to section 11 of this Act, and any person selling any sponge, and from whom has been demanded a written statement as aforesaid, who shall neglect or refuse to furnish the same to the person entitled to make and making such demand, shall forfeit and pay the sum of forty dollars.

Written statement may be demanded.  
Penalty for neglect.  
*14 of 1885, s. 3*

*5 of 1987, s. 2.*

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Penalties, how  
recovered, and  
applied.

*14 of 1885, s. 4.*

**14.** All penalties imposed by this Act shall be recovered with costs of suit, and one moiety of all such penalties when recovered shall be paid into the Consolidated Fund in aid of the general revenue, and the other moiety thereof shall go to the use of the informer who shall sue for the same, which suit or action may be brought in the court having jurisdiction to the amount.

Act not to apply  
to Crown.

*27 of 1898, s. 1.*

**15.** This Act shall not be held or construed to apply in any manner to persons selling Crown lands by order or direction of the Governor-General.