



ANNO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1953.

No. 6 of 1953.

An Act to amend the Auctioneers Act, 1934.

[Assented to 8th October, 1953.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Auctioneers Act Amendment Act, 1953".

(2) The Auctioneers Act, 1934, as amended by this Act, may be cited as the "Auctioneers Act, 1934-1953".

(3) The Auctioneers Act, 1934, is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of
principal Act,
s. 3—
Licensing of
auctioneers.

3. Section 3 of the principal Act is amended by striking out subsection (1) thereof and inserting the following subsections in its place :—

(1) A person (whether a natural person or a company) shall not carry on business as an auctioneer unless he is licensed as an auctioneer under this Act.

(1a) A person shall not act as an auctioneer at a sale by auction unless he is licensed as an auctioneer under this Act or registered as an auctioneer's clerk under this Act.

(1b) A person who holds a country licence but does not hold a town licence under this Act shall not carry on business, or act, as an auctioneer within the City of Adelaide or within a distance of ten miles from the City of Adelaide.

(1c) A person who is registered as an auctioneer's clerk by an auctioneer who holds a country licence but does not hold a town licence shall not act as an auctioneer within the City of Adelaide or within a distance of ten miles from the City of Adelaide.

(1d) Any person who contravenes subsections (1), (1a), (1b), or (1c) of this section shall be guilty of an offence.

Penalty : One hundred pounds.

4. Section 4 of the principal Act is amended by inserting after subsection (3) thereof the following subsection :—

Amendment of principal Act, s. 4—

Method of obtaining licence.

(3a) Where the applicant is a company, the court shall before delivering a certificate to the company pursuant to subsection (3) of this section be satisfied that the company is a fit and proper company to be licensed and that the manager or other principal officer of the company is of good character.

5. Section 5 of the principal Act is amended—

Amendment of principal Act, s. 5—

Effect of licences.

(a) by inserting after the word "to" in the second line of subsection (1) thereof the words "carry on business or";

(b) by inserting after the word "to" in the second line of subsection (2) thereof the words "carry on business or".

6. The following section is enacted and inserted in the principal Act after section 5 thereof :—

Enactment of s. 5a of principal Act—

5a. A company may hold a licence as an auctioneer under this Act and the words "person" and "auctioneer" occurring in this Act shall be construed accordingly.

Company may hold licence.

7. The following section is enacted and inserted in the principal Act after section 8 thereof :—

Enactment of s. 8a of principal Act—

8a. (1) Where an auctioneer holding a licence under this Act ceases to carry on business as an auctioneer, or dies, the Treasurer, on application by the auctioneer or his personal representatives, may without further appropriation than this section pay to the auctioneer or his personal representatives an amount calculated at the rate of one-quarter of the fee for the licence for each complete period of three months of the balance of the term of the licence unexpired at the time when the auctioneer ceased to carry on business or died.

Refunds.

(2) This section shall apply to licences issued both under section 4 and section 7 of this Act.

Repeal of s. 11
of principal
Act—
Penalties.

8. Section 11 of the principal Act is repealed.

Enactment of
s. 13 of
principal Act—

9. The following section is enacted and inserted in the principal Act after section 12 thereof:—

Regulations.

13. The Governor may make regulations prescribing any matters which it is necessary or convenient to prescribe for giving effect to this Act and may by any such regulation prescribe fines recoverable summarily and not exceeding twenty-five pounds for breach of any regulation.

Temporary
provision.

10. Where a company is carrying on business as an auctioneer at the commencement of this Act—

- (a) any licence issued under section 4 of the principal Act to any person in the employment of the company shall be sufficient authority until the expiration thereof for the company to carry on business as an auctioneer without holding a licence under the principal Act as amended by this Act, in any place where the licence authorizes the said person to act as an auctioneer :
- (b) any licence issued under section 7 of the principal Act to any person in the employment of the company shall be sufficient authority until the expiration thereof for a clerk whose name is registered pursuant to that licence, to act for the company at any sale by auction in any place where the clerk is authorized to act in the stead of the holder of the licence.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

R. A. GEORGE, Governor.