

AUCTIONEERS.

2° GEO. VI., No. XI.

No. 11 of 1938.

AN ACT to make provision in the Auctioneers Act, 1921-32, for the issue of occasional district licenses to holders of district licenses, and for other purposes incidental thereto.

[Assented to 30th November, 1938.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.
cf. No. 53 of
1932, s. 5.

1. This Act may be cited as the *Auctioneers Act Amendment Act, 1938*, and shall be read as one with the Auctioneers Act, 1921-1932 (No. 29 of 1921 as amended by the Act No. 53 of 1932), hereinafter referred to as the principal Act.

Amendment
of s. 4 of the
principal Act.

2. Section four of the principal Act is amended as follows:—

(a) by deleting subsection (1) and inserting in lieu thereof a subsection as follows:—

(1) Licenses to act as auctioneer shall be of five kinds, namely, general, country, district, temporary, and occasional district licenses.

(b) by adding at the end of subsection (2) the words:—“The authority conferred by a temporary license shall be that provided by section fourteen of this Act and the authority conferred by an occasional district license shall be that provided by section fourteen A of this Act.”

3. Section thirteen of the principal Act is amended by inserting at the commencement thereof the words "Subject to section fourteen A of this Act."

Amendment
of s. 13 of
the principal
Act.

4. A section is inserted in the principal Act after section fourteen as follows:—

New section
14A inserted
in principal
Act.

14A. (1) The stipendiary, police or resident magistrate of any magisterial district other than a magisterial district situate within the metropolitan area as defined in subsection (3) of section four of this Act may, on the written application of any person being the holder of a current district license issued in respect of the magisterial district of such magistrate, grant to such person in accordance with this section an occasional district license to conduct as auctioneer a sale by auction at any place situate within a magisterial district other than that in respect of which the district license of the applicant is held but which is immediately contiguous with such last-mentioned magisterial district: Provided that before granting any such occasional district license, the magistrate to whom this application is made—

Occasional
district
licenses.

- (i) shall give to the police the opportunity, if they so desire, of objecting to such application; and
- (ii) shall be satisfied that there are sufficient reasons for granting the license.

(2) The fee payable for an occasional district license shall be one guinea (£1 1s.) and shall accompany the application. If the application is refused the fee shall be refunded to the applicant.

(3) The application shall specify the date upon which, and the place where, the auction sale in relation to which a license under this section is required to be held and the occasional district license granted pursuant to such application shall be according to the form in schedule H to this Act and which form shall be printed by the Government Printer.

(4) An occasional district license granted under this section shall authorise the holder thereof to conduct as auctioneer a sale by auction on the date and at the place specified in the license, but not otherwise.

(5) In no event shall any occasional district license be granted in relation to any auction sale to be held at a place situate within the metropolitan area aforesaid.

(6) While the holder of an occasional district license is conducting an auction sale under the authority thereof he shall have all the rights and benefits and be subject to all the obligations and liabilities of a holder of a district license for the magisterial district within which the place named in his occasional district license is situate.

(7) No person shall be entitled to a grant of more than five occasional district licenses under this section in respect of a place or places within the same magisterial district in any one year.

(8) No person shall be entitled to hold more than one occasional district license (whether in respect of the same magisterial district or not) at any one time.

(9) Notwithstanding anything to the contrary contained elsewhere in this section, where an auction sale cannot be concluded in the one day, or where all the property or chattels to be sold by auction at the one sale cannot be conveniently put up for sale at one place, then it shall be lawful for the magistrate to whom the application is made to grant an occasional district license in respect of the one auction sale specified in the application for such license to operate and have effect on any number of specified days exceeding one, but not exceeding seven, and at more than one place as specified in the application, provided all the places so specified are situate within the same magisterial district.

(10) An occasional district license shall not be transferable.

(11) Where an applicant is the holder of a district license as representative of a firm or company under and in accordance with the provisions of section nineteen of this Act, an occasional district license shall not be granted under this section to such applicant except with the consent of such firm or company.

5. A schedule is added to the principal Act after Schedule G as follows:—

Insertion of new schedule H in principal Act.

SCHEDULE H.

Auctioneers Act 1921-1938.

An Occasional District License.

Section 14A.

WHEREAS (a) of (b)
 is the holder of a current district license issued under the Auctioneers Act, 1921-1938, in respect of the magisterial district of (c)
 and has made application under section fourteen A of the said Act for an occasional district license to conduct as auctioneer a sale by auction on (d)
 the day of at (e)
 being a place situate within the magisterial district of (f)
 which is immediately contiguous with the said magisterial district of (g) and
 is not situate within the metropolitan area as defined in section four of the said Act and the said (h)
 has paid the prescribed license fee of one guinea, the said (i)
 is hereby authorised, subject to the said Act, to conduct as auctioneer a sale by auction on the said day of at
 aforesaid.

(a) Full name of applicant.
 (b) Address.
 (c) Name of district specified in district license.
 (d) Insert date of proposed sale.
 (e) Insert place and address of premises where sale to be held.
 (f) Insert name of magisterial district in which place of proposed sale is situate.
 (g) As in (c) above.
 (h) Applicant.
 (i) Applicant.

Dated this day of 19 .

Stipendiary, Police or Resident
 Magistrate.

6. The principal Act as amended by this Act may be cited as the Auctioneers Act, 1921-1938.

Citation of principal Act as amended.