

CHAPTER 298

THE AUCTIONEERS ACT

Arrangement of Sections

Section

PART I—PRELIMINARY

1. Interpretation
2. Business of auctioneer

PART II—LICENCES

3. Auctioneers to be licensed
4. Licences, general and local
5. General licences required for certain places
6. Granting of licences discretionary
7. Security may be required
8. Fees
9. Expiration of licences
10. Forms

PART III—SALES BY AUCTION

11. Auctioneers to accept sale of all property offered by owners
12. Restriction on certain sales
13. Auctioneer's name and address to be displayed at sale
14. Sales without reserve, reserve price, *etc.*
15. Recovery of purchase money and payment
16. Order of suspension or revocation of licence
17. Auctioneer's licence not necessary in certain cases
18. Rules
19. Power to amend Schedule 1

SCHEDULES

Schedule 1 Currency Point

Schedule 2 Forms

CHAPTER 298

THE AUCTIONEERS ACT

Commencement: 1 January, 1917

An Act Relating to Auctioneers.

PART I—PRELIMINARY

1. Interpretation

In this Act, unless the context otherwise requires—

“auctioneer” includes every person selling by auction;

“currency point” has the value assigned to it in Schedule 1 to this Act;

“licensing authority” means—

(a) in respect of any city, municipality or town, the council;
and

(b) in respect of places outside a city, municipality or town,
the chief administrative officer;

“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 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 who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding seven hundred fifty currency points.

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 Trade (Licensing) Act shall be payable for licences granted under this Act.

9. Expiration of licences

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

10. Forms

Licences shall be in the forms in Schedule 2 to this Act, with such alterations as may be necessary.

PART III—SALES BY AUCTION**11. Auctioneers to accept 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 long 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

Except as may be otherwise provided by law, an auctioneers licence shall not 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 the auctioneer's 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 seventy-five currency points.

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 the auctioneer's behalf or employed by the auctioneer 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 the auctioneer 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 the auctioneer's behalf, but not more than one, to bid at the auction in such manner as the auctioneer shall think proper.

(5) If the owner or any person employed by the auctioneer or on the auctioneer's behalf bids at any sale contrary to subsection (1), (2), (3) or (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 in their behalf or as an agent for any other person unless on making the bid the auctioneer announces that it is their 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 seven hundred fifty currency points, and to have auctioneer 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 the auctioneer 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 auctioneer 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 the auctioneer 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—

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 the auctioneer's office, and prescribe the amount of security to be required and the form in which security may be accepted;
- (b) prescribe the maximum rate of commission which an auctioneer shall be entitled to demand, recover or retain as remuneration for the auctioneer's services and provide that any agreement to pay or allow any higher rate than is prescribed shall not be binding; and
- (c) prescribe penalties not exceeding a fine of three hundred seventy-five currency points 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.

19. Power to amend Schedule 1

The Minister responsible for finance may, by statutory instrument, with the approval of Cabinet, amend Schedule 1 to this Act.

SCHEDULE

S Schedule 1

Sections 1, 19

Currency Point

A currency point is equivalent to twenty thousand shillings.

Schedule 2

Section 10

Forms

Republic of Uganda

Form A

Auctioneer's General Licence

(The Auctioneers Act, Cap. 298)

No. _____

This 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

Auctioneer's Local Licence
(The Auctioneers Act, Cap. 298)

No. _____

This 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 _____

History: Cap. 261 (Revised Edition, 1964); Cap. 270 (Revised Edition, 2000); Act 17/2023

Cross Reference

Trade (Licensing) Act, Cap. 79
