

# **Auctioneers Bill**

Government Bill

As reported from the committee of the whole  
House

This bill was formerly part of the Consumer Law Reform Bill as reported from the Commerce Committee. The committee of the whole House has further amended the bill and divided it into the following bills:

- Fair Trading Amendment Bill comprising clauses 1 and 2, subpart 1 of Part 1, and Schedule 1
- Consumer Guarantees Amendment Bill comprising subpart 2 of Part 1, and Schedule 2
- Weights and Measures Amendment Bill comprising subpart 3 of Part 1
- Secondhand Dealers and Pawnbrokers Amendment Bill comprising subpart 4 of Part 1
- Carriage of Goods Amendment Bill comprising subpart 5 of Part 1
- this bill comprising Part 2 and Schedule 3.



**Auctioneers Bill**

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**Key to symbols used in reprinted bill**

**As reported from the committee of the whole  
House**

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*Hon Craig Foss*

## **Auctioneers Bill**

Government Bill

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Auctioneers Act **2013**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.

**64 Purpose of Part**

**This Part** provides for the registration of auctioneers and for related matters, and repeals the Auctioneers Act 1928.

**65 Interpretation**

(1) In **this Part**, unless the context otherwise requires,— 5

**action** means a process in which property of any kind (including goods, services, and interests in land) is offered for sale by an auctioneer on behalf of a vendor, and—

(a) bids for the property are placed with the auctioneer in real time, whether in person, by telephone, via the Internet, or by any other means; and 10

(b) the property is sold when the auctioneer so indicates  
**chief executive** means the chief executive of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 15

**person concerned in the management of a company** means—

(a) a director of the company, as that term is defined in section 126 of the Companies Act 1993:

(b) the chief executive of the company, or any person occupying the equivalent position 20

**register** means the register of auctioneers maintained by the Registrar under **section 81**

**registered auctioneer** means an individual or a company that is registered under **this Part** as an auctioneer 25

**Registrar** means the Registrar of Auctioneers appointed under **section 79**

**vendor**, in relation to an auction, means the person whose property is offered for sale by an auctioneer.

(2) To avoid doubt, a process of selling property is not necessarily an auction for the purpose of **this Part** just because it is described as an auction. For example, a process described as an Internet auction, but that provides that any contract of sale resulting from the process is a contract directly between the 30

winner of the bidding and the seller of the property, is not an auction for the purpose of **this Part**.

*Registration requirements*

- 66 Registration of person carrying on business as auctioneer** 5
- (1) A person must not carry on business as an auctioneer unless the person is registered under **this Part** as a registered auctioneer.
- (2) **Subsection (1)** is subject to the exceptions provided in—
- (a) **section 48** of the Real Estate Agents Act 2008; and
- (b) **section 141** of the Motor Vehicle Sales Act 2003; and
- (c) any other enactment. 10
- (3) A person **carries on business as an auctioneer** if the person, in trade, charges a fee or commission for, or requires the payment of any part of the proceeds of, a sale by auction, other than as an employee or agent of a registered auctioneer.
- 67 Disqualification from registration** 15
- (1) A person who is an individual is disqualified from registration if he or she is—
- (a) under 18 years of age; or
- (b) an undischarged bankrupt; or
- (c) a person whose registration under **this Part** has been cancelled within the preceding 5 years; or
- (d) prohibited from being a director of, or being concerned or taking part in the management of, an incorporated or unincorporated body under any enactment or order made under any enactment; or 25
- (e) a person who has been convicted of a crime involving dishonesty within the preceding 5 years; or
- (f) a person who has been convicted, within the preceding 5 years, of—
- (i) an offence against section 40 of the Fair Trading Act 1986 for contravention of any provision of Part 1 or **subpart 4 of Part 4A** of that Act; or
- (ii) an offence against **section 84 of this Act**; or
- (g) subject to an order suspending or cancelling a licence under section 110 of the Real Estate Agents Act 2008; 30  
or 35

- (h) banned, or subject to a banning order, under section 68 or 69 of the Motor Vehicle Sales Act 2003; or
  - (i) subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988. 5
- (2) A company is disqualified from registration if—
- (a) a person concerned in the management of the company is disqualified from registration under **subsection (1)**; or
  - (b) the company's registration under **this Part** has been cancelled within the preceding 5 years; or 10
  - (c) the company has been convicted, within the preceding 5 years, of—
    - (i) an offence against section 40 of the Fair Trading Act 1986 for a contravention of any provision of Part 1 or **subpart 4 of Part 4A** of that Act; or 15
    - (ii) an offence against **section 84 of this Act**; or
  - (d) the company is subject to an order suspending or cancelling a licence under section 110 of the Real Estate Agents Act 2008; or 20
  - (e) the company is banned, or subject to a banning order, under section 68 or 69 of the Motor Vehicle Sales Act 2003; or
  - (f) the company is in liquidation, receivership, or voluntary administration; or 25
  - (g) the name of the company has been removed from the register of companies kept under section 360(1)(a) of the Companies Act 1993.

Compare: 2003 No 12 ss 24, 25

*Restriction on who registered auctioneers may engage as auctioneer* 30

**67A Restriction on who registered auctioneers may engage as auctioneer**

A registered auctioneer must not engage an auctioneer to conduct a sale on the registered auctioneer's behalf if the auctioneer is a person described in **section 67(1)** disqualified from registration under **section 67(1)**. 35

*Application for registration***68 Application for registration to carry on business as auctioneer**

- (1) A person who wishes to carry on business as an auctioneer may apply to the Registrar, in accordance with **this Part**, for registration as a registered auctioneer. 5
- (2) Every application must—
- (a) be in the form (if any) prescribed by the Registrar; and
  - (b) include the information and material specified in **section 69**; and 10
  - (c) include the prescribed fee (if any).

Compare: 2003 No 12 s 31

**69 Information and material to be included in application**

- (1) Every application for registration by an individual must set out or be accompanied by the following: 15
- (a) the person's full name, residential address, and date of birth; and
  - (b) the trading name, or proposed trading name, of the applicant's auction business; and
  - (c) the address of the principal place at which the applicant carries on, or proposes to carry on, business as an auctioneer; and 20
  - (d) the applicant's address for service; and
  - (e) a statement that the applicant is not disqualified from registration; and 25
  - (f) any other prescribed information or material.
- (2) Every application for registration by a company must set out or be accompanied by the following:
- (a) the name of the company; and
  - (b) the trading name, or proposed trading name, of the applicant's auction business; and 30
  - (c) the address of the principal place at which the applicant carries on, or proposes to carry on, business as an auctioneer; and
  - (d) the full name, residential address, and date of birth of each person concerned in the management of the company; and 35
  - (e) the applicant's address for service; and

- (f) a statement, made by a person concerned in the management of the company, that the company and each person (who must be individually named) concerned in the management of the company is not disqualified from registration; and 5
- (g) any other prescribed information or material.
- (3) The address for service of an applicant must—
- (a) identify the place by reference to its street address; and
- (b) include, if available, the applicant's fax number and email address; and 10
- (c) not be that of a PO Box number, a document exchange, or a rural delivery.

Compare: 2003 No 12 ss 31, 32

#### **70 Acceptance of application**

- (1) The Registrar must accept an application for registration as an auctioneer if he or she is satisfied that the application is properly completed and,— 15
- (a) in the case of an application by an individual, that the person is not disqualified from registration; and
- (b) in the case of an application by a company, that the company and each person concerned in the management of the company are not disqualified from registration. 20
- (2) If the Registrar accepts an application, he or she must, as soon as practicable, enter the applicant's name on the register as a registered auctioneer, and provide the applicant with a registration certificate containing a unique registration number and showing the date of registration. 25

Compare: 2003 No 12 ss 33, 34, 36

#### **71 Refusal of application**

- (1) If the Registrar does not accept an application for registration, he or she must give the applicant written notice of the refusal and the reasons for it within 10 working days after the decision is made. 30
- (2) The applicant has the right, under **section 82**, to appeal to a District Court against the Registrar's refusal. 35

Compare: 2003 No 12 s 35

*Duration of registration***72 Registration expires after 12 months**

Registration as a registered auctioneer expires 12 months from the date of registration, unless the registration is sooner—

- (a) renewed by supplying an annual confirmation under **section 73**; or 5
- (b) cancelled under **section 74**; or
- (c) surrendered by the registered auctioneer.

Compare: 2003 No 12 s 37

**73 Annual confirmation**

10

(1) Every registered auctioneer must supply to the Registrar an annual confirmation of details relating to the registered auctioneer.

(2) The annual confirmation must—

- (a) be in the form (if any) required by the Registrar and be accompanied by the prescribed fee (if any); and 15
- (b) confirm that the auctioneer is not disqualified from registration.

(3) If a registered auctioneer does not comply with **subsection (1)** before the anniversary of the auctioneer's date of registration, the Registrar may assume the person is no longer carrying on business as an auctioneer and may amend the register of auctioneers accordingly. 20

Compare: 2003 No 12 s 39

**74 Cancelling registrations**

25

(1) The Registrar ~~must~~ may cancel the registration of a registered auctioneer if satisfied,—

- (a) in the case of a registered auctioneer who is an individual, that the individual is disqualified from registration (otherwise than by reason of the making of a property order under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders)); or 30
- (b) in the case of a registered auctioneer that is a company, that the company, or any person concerned in the man- 35

- agement of the company, is disqualified from registration; or
- (c) that the registered auctioneer was registered by reason of any false or fraudulent representation or declaration, whether made orally or in writing; or 5
- (d) that any application fee for registration or annual confirmation fee has subsequently been dishonoured; or
- (e) that the registered auctioneer has ceased to carry on business as an auctioneer; or
- (f) that the registered auctioneer engaged a person ~~described in section 67(1)~~ as an auctioneer to conduct a sale on the registered auctioneer's behalf, knowing that the person is disqualified from registration. 10
- (2) Before cancelling a registration under this section, the Registrar must notify the registered auctioneer, and the notice must— 15
- (a) set out the reasons for the proposed cancellation; and
- (b) give the registered auctioneer the opportunity to make, within 20 working days after the date of the notice, written submissions as to why the registration should not be cancelled; and 20
- (c) state the date (which must be a date after the last date on which submissions may be received) on which the cancellation is proposed to take effect.
- (3) The Registrar must consider any written submissions received. 25
- (4) If the Registrar decides to cancel a registration, the Registrar must give written notice to the registered auctioneer of the cancellation, the date on which it takes effect, and the reason for the cancellation. 30
- Compare: 2003 No 12 ss 43–45

## 75 When registered auctioneer ceases to be registered

A registered auctioneer ceases to be registered on the date, determined by the Registrar and shown on the register, that follows the expiry, cancellation, or surrender of the auctioneer's registration. 35

Compare: 2003 No 12 ss 45, 46, 48, 49

**76 Obligation to notify Registrar of changes**

- (1) A registered auctioneer must notify the Registrar if—
- (a) any of the following become disqualified from registration:
    - (i) the registered auctioneer (whether an individual or a company): 5
    - (ii) in the case of a registered auctioneer that is a company, a person concerned in the management of the company: 10
  - (b) the registered auctioneer knows that any details on the register are no longer correct: 10
  - (c) the registered auctioneer ceases to carry on business as an auctioneer. 10
- (2) Notification under **subsection (1)** must be made within 10 working days after the relevant matter is known to the registered auctioneer. 15
- (3) If, in the case of a registered auctioneer that is a company, a new person becomes concerned in the management of the company, the registered auctioneer must, within 20 working days,— 20
- (a) notify the Registrar, in writing, of the person's full name, residential address, and date of birth; and
  - (b) send to the Registrar a statement confirming that the person to whom the notice relates is not disqualified from registration. 25
- (4) An applicant for registration must notify the Registrar if the applicant becomes aware, before receiving notice of the decision on the application, that any information included in the application is not, or is no longer, true and correct. 30
- Compare: 2003 No 12 ss 40, 40A

*Record-keeping obligations***77 Auctioneer record**

- (1) Every registered auctioneer must keep an accurate and up-to-date auctioneer record.
- (2) An auctioneer record must show the following information with respect to property offered for sale by auction by a registered auctioneer: 35

*Vendor*

- (a) the vendor's full name, date of birth, contact address, and contact telephone number (if any):
- (b) whether the vendor is selling in trade as a supplier (within the meaning of the Consumer Guarantees Act 1993) or otherwise: 5

*Property*

- (c) a description of the property:

*Auction*

- (d) the date of the auction: 10
  - (e) if the property was auctioned by lot, the lot number:
  - (f) whether the sale was subject to a reserve price:
  - (g) whether vendor bids were permitted:
  - (h) the name of the auctioneer who conducted the sale:
  - (i) the highest bid, and whether it was a vendor bid: 15
  - (ia) the price at which the property was sold:
  - (j) the amount of proceeds paid to the vendor:
  - (k) the date on which the proceeds were paid to the vendor.
- (3) The information required to be shown in an auctioneer record must be added to the record as soon as practicable after the information is available. 20
  - (4) The information in an auctioneer record must be kept on the record for at least 3 years.

Compare: 2004 No 70 ss 51, 53

**78 Storage and inspection of auctioneer record** 25

- (1) Every auctioneer record must be kept available for inspection at the address of the principal place at which the registered auctioneer carries on business as an auctioneer.
- (2) The registered auctioneer must make the auctioneer record available for inspection, on request at any reasonable time, by any of the following: 30
  - (a) a constable:
  - (b) an employee of the Commerce Commission authorised, in writing, to inspect auctioneer records:
  - (c) a vendor who has sold property through the auctioneer, but only in respect of the parts of the record that relate to the vendor and that property. 35

- (3) A registered auctioneer must, on request, give any person who has a right to inspect an auctioneer record a copy of any part of the record that he or she is entitled to inspect.

Compare: 2004 No 70 ss 53, 54

*Registrar and register* 5

**79 Registrar of Auctioneers**

- (1) The chief executive must appoint, under the State Sector Act 1988, a Registrar of Auctioneers.
- (2) The person holding office as the Registrar of Companies under the Companies Act 1993 immediately before the commencement of **this Part** must be treated as if that person had been appointed as the Registrar of Auctioneers in accordance with this section. 10
- (3) The functions of the Registrar are as follows:
- (a) to establish and maintain a register of registered auctioneers: 15
  - (b) to determine applications for registration:
  - (c) to issue registration certificates:
  - (d) to cancel registrations under **section 74**:
  - (e) to perform any other function conferred on the Registrar by **this Part**. 20
- (4) The Registrar may delegate any of the Registrar's functions or duties to any other person, except the power of delegation.
- (5) A delegation must be in writing, may be made subject to any restrictions or conditions the Registrar thinks fit, is revocable in writing at any time, and does not prevent the performance or exercise of any function or duty by the Registrar. 25
- (6) A person to whom any functions or duties are delegated may perform them in the same manner, and with the same effect, as if they had been conferred directly by this section. 30
- (7) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.

Compare: 2003 No 12 ss 60, 61, 62

**80 Registrar's certificate**

A certificate signed by the Registrar is sufficient evidence, in the absence of proof to the contrary, that—

- (a) a particular person was or was not registered as an auctioneer at any particular time or during any period specified in the certificate; or 5
- (b) any entry in the register is as stated in the certificate.

Compare: 2003 No 12 s 63

**81 Register of auctioneers**

- (1) The Registrar must ensure— 10
  - (a) that a register of registered auctioneers, called the register of auctioneers, is established and maintained; and
  - (b) that, as far as possible, the information in it is accurate and up to date.
- (2) The register must be in electronic form and may also be kept in any other form that the Registrar thinks fit. 15
- (3) The Registrar must ensure that the part of the register that contains the name, contact details, and address for service of each registered auctioneer is available to the public for inspection via the Internet at all reasonable times. 20

Compare: 2003 No 12 ss 52, 53, 55

*Appeals against decisions of Registrar***82 Appeals**

- (1) A person may appeal to a District Court against the following decisions of the Registrar: 25
  - (a) a refusal to register the person as an auctioneer:
  - (b) a decision to cancel the person's registration.
- (2) An appeal must be made by giving notice of appeal no later than 20 working days after the date on which notice of the decision was communicated to the appellant or such further time as the District Court may allow. 30
- (3) In determining an appeal, a District Court may confirm or reverse the decision of the Registrar.
- (4) A person may appeal to the High Court from a decision by a District Court under this section on a question of law only. 35

- (5) However, nothing in this section affects the right of any person to apply for judicial review.  
Compare: 2003 No 12 ss 64, 67

### 83 Interim order by District Court

- (1) At any time before the final determination of an appeal relating to a registered auctioneer, a District Court may make an interim order suspending the cancellation by the Registrar of any registration. 5
- (2) An interim order may be subject to any conditions that the District Court thinks fit. 10
- (3) If a District Court makes an interim order, the Registrar of that court must send a copy of the order to the Registrar and the Registrar must immediately amend the register so as to give effect to the order. 15  
Compare: 2003 No 12 ss 65, 66

### *Offences*

#### 84 Offences

- (1) A person who fraudulently retains the proceeds of property sold at auction, or fraudulently fails to pay the correct balance to the vendor, or, with intent to defraud the vendor, gives a false account of the sale, commits an offence and is liable on conviction ~~on indictment~~ to,— 20
- (a) in the case of an individual, a term of imprisonment not exceeding 2 years; or
- (b) in any other case, to a fine not exceeding \$200,000. 25
- (2) A person who does any of the following commits an offence and is liable on ~~summary~~ conviction to a fine not exceeding \$10,000 (if an individual) or \$30,000 (in any other case):
- (a) carries on business as an auctioneer, contrary to **section 66**, while not being a registered auctioneer: 30
- (b) holds out as being a registered auctioneer while not being a registered auctioneer:
- (ba) engages a person to conduct an auction on his or her behalf, knowing that the person is disqualified from registration: 35

- (c) gives or makes any statement that is false in a material particular to the Registrar in connection with an application for registration or confirmation of registration:
- (d) fails to comply with any of the obligations in **section 76** (which relate to notifying the Registrar): 5
- (e) fails to comply with the requirements of **sections 77 and 78** (which relate to record-keeping).

### *Regulations*

#### **85 Regulations**

The Governor-General may, by Order in Council, make regulations for the following purposes: 10

- (a) prescribing information and material to be included in applications for registration:
- (b) prescribing fees associated with the registration of auctioneers. 15

### *Transitional provisions*

#### **86 Application of this Part to existing licence holders and others**

- (1) After the commencement of **this Part** the following persons are deemed to have been registered as auctioneers under **this Part** on the day on which **this Part** comes into force: 20
  - (a) every person who carries on business as an auctioneer and who, immediately before the commencement of **this Part**, holds a licence issued under the Auctioneers Act 1928 that has not expired: 25
  - (b) every person who is in partnership with a person referred to in **paragraph (a)** and whose name is endorsed on the licence.
- (2) **This Part** applies to every person who is deemed to be a registered auctioneer, except as provided in this section. 30
- (3) The registration of a person who is deemed to be registered by virtue of **subsection (1)** expires 6 months after the date on which **this Part** comes into force.
- (4) Despite anything in the Auctioneers Act 1928, every licence issued under that Act that is in force immediately before the 35

commencement of **this Part** expires on the date on which **this Part** comes into force.

- (5) The Registrar is not obliged to ensure that the names and other details of people to whom this section applies are entered onto the register of auctioneers, unless or until they are registered in accordance with **this Part**. 5

*Consequential and other amendments*

**87 Amendments removing exemption from requirement to be registered**

The enactments set out in **Part 1 of Schedule 3** are amended as set out in that schedule, for the purpose of removing certain exemptions that allow auctions in some circumstances to be conducted by a person other than a registered auctioneer. 10

**88 Consequential repeal and amendments**

- (1) The Auctioneers Act 1928 (1928 No 29) is repealed. 15  
 (1A) The Auctioneers Regulations 1958 (SR 1958/25) are repealed.  
 (2) The enactments set out in **Part 2 of Schedule 3** are consequentially amended as set out in that schedule.

. . . . .

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**Schedule 3****ss 87, 88(2)****Amendments relating to auctioneers****Part 1****Amendments removing certain exemptions****Land Act 1948 (1948 No 64)**

5

Section 52(4): repeal.

**Policing Act 2008 (2008 No 72)**

Section 41(6): repeal.

**Public Works Act 1981 (1981 No 35)**

Section 230: omit “any person” and substitute “a registered auctioneer”.

10

Section 230: omit “, and it shall not be necessary in any such case that the person so appointed should be the holder of an auctioneer’s licence”.

**Sentencing Act 2002 (2002 No 9)**

15

Section 137(2): repeal.

**Part 2****Consequential amendments****Impounding Act 1955 (1955 No 108)**Section 50(2): omit “but in respect of the sale shall not be required to take out an auctioneer’s licence” and substitute “and any such auctioneer is not required to be an auctioneer registered under **Part 2 of the Consumer Law Reform Act 2011**”.

20

**Judicature Act 1908 (1908 No 89)**

Rule 17.75(a) of Schedule 2: omit “without an auctioneer’s licence (despite anything in any Act to the contrary)” and substitute “whether or not the enforcing officer is a registered auctioneer”.

25

Part 2—*continued***Motor Vehicle Sales Act 2003 (2003 No 12)**

Section 6(1): insert in its appropriate alphabetical order:

“**auction** has the meaning in given to it in **section 65 of the Consumer Law Reform Act 2011**”.

Definition of **sales by auction** in section 6(1): repeal. 5

Heading above section 141: repeal and substitute:

*“Exemption for car auctioneers from registration requirement under **Part 2 of Consumer Law Reform Act 2011**”.*

Section 141: repeal and substitute: 10

“**141 Exemption for car auctioneers from registration requirement under Part 2 of the Consumer Law Reform Act 2011**

“(1) If a car auctioneer who is registered as a motor vehicle trader under this Act carries on a business that is limited to conducting auctions of motor vehicles only, the car auctioneer is exempt from the requirement in **Part 2 of the Consumer Law Reform Act 2011** to be a registered auctioneer. 15

“(2) However, the car auctioneer—

“(a) must comply with the rules about the conduct of auctions as set out in **sections 36W to 36ZC** of the Fair Trading Act 1986; and 20

“(b) may apply for registration under **Part 2 of the Consumer Law Reform Act 2011** as a registered auctioneer.” 25

**Property Law Act 2007 (2007 No 91)**

Section 42: repeal.

**Protected Objects Act 1975 (1975 No 41)**

Definition of **auctioneer** in section 2(1): repeal and substitute:

“**auctioneer** means a person who is registered as an auctioneer under **Part 2 of the Consumer Law Reform Act 2011**”.

 30
**Real Estate Agents Act 2008 (2008 No 66)**

~~Section 8: repeal.~~

Part 2—*continued***Real Estate Agents Act 2008 (2008 No 66)**—*continued*

Section 8: replace “licensed as an auctioneer under the Auctioneers Act 1928” with “registered as an auctioneer under **Part 2 of the Consumer Law Reform Act 2011**”.

Section 48(2): repeal and substitute:

- “(2) An agent’s licence authorises the licensee to sell or offer to sell land by auction, and operates as an exemption from the requirement in **Part 2 of the Consumer Law Reform Act 2011** to be registered as an auctioneer. 5
- “(3) However, every licensee who conducts an auction of land must comply with the rules about the conduct of auctions set out in **sections 36W to 36ZB** (but not the rule in **section 36ZC**) of the Fair Trading Act 1986.” 10

**Sale of Goods Act 1908 (1908 No 168)**

Section 59: repeal.

**Sale of Liquor Act 1989 (1989 No 63)**

15

Section 52(1): repeal and substitute:

- “(1) An off-licence may be granted to a person who is registered as an auctioneer under **Part 2 of the Consumer Law Reform Act 2011**.”

**Sale and Supply of Alcohol Act 2012 (2012 No 120)**

20

Section 39(1)(b): omit “holds an auctioneer’s licence under the Auctioneers Act 1928” and substitute “is registered as an auctioneer under **Part 2 of the Consumer Law Reform Act 2011**”.

**Secondhand Dealers and Pawnbrokers Act 2004 (2004 No 70)**

Definition of **public auction** in section 4: repeal and substitute: 25

“**public auction** means an auction conducted by a registered auctioneer in the course of the registered auctioneer’s business”.

Part 2—*continued***Secondhand Dealers and Pawnbrokers Act 2004 (2004 No 70)**—*continued*

Section 4: insert in its appropriate alphabetical order:

“**registered auctioneer** means a person who is registered as an auctioneer under **Part 2 of the Consumer Law Reform Act 2011**”.

Section 6(4)(a): repeal and substitute: 5

“(a) a registered auctioneer selling secondhand articles or scrap metal in the course of the registered auctioneer’s business:”.

Section 43(3)(a): omit “licensed” and substitute “registered”.

**Summary Proceedings Act 1957 (1957 No 87)**

10

Item relating to the Auctioneers Act 1928 in Part 2 of Schedule 1: omit and substitute:

Title of Act	Section of Act	Offence
<b>Part 2 of Consumer Law Reform Act 2011</b>	<b>84(4)</b>	Fraudulently retaining proceeds; falsely accounting

**Trustee Companies Act 1967 (1967 No 35)**

Section 27: omit “licensed auctioneer” and substitute “registered auctioneer”. 15

Section 27: omit “not require to take out an auctioneer’s licence” and substitute “not be required to be a registered auctioneer”.

**Unclaimed Money Act 1971 (1971 No 28)**

Section 5(1)(g): repeal and substitute:

“(g) any person registered as an auctioneer under **Part 2 of the Consumer Law Reform Act 2011**:” 20

**Wellington Regional Water Board Act 1972 (1972 No 3 (L))**

Section 46(2): omit “without being the holder of a licence under the Auctioneers Act 1928” and substitute “whether or not the forest of-

**Auctioneers Bill**

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Part 2—*continued*

**Wellington Regional Water Board Act 1972 (1972 No 3  
(L))—*continued***

ficier is registered as an auctioneer under **Part 2 of the Consumer Law Reform Act 2011**”.

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**Legislative history**

3 December 2013

Divided from Consumer Law Reform Bill  
(Bill 287–2) by committee of the whole House as  
Bill 287–3F

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