



THE REPUBLIC OF KENYA

LAWS OF KENYA

AUCTIONEERS ACT

NO. 5 OF 1996

Revised Edition 2019 [1996]

Published by the National Council for Law Reporting
with the Authority of the Attorney-General

www.kenyalaw.org

NO. 5 OF 1996

AUCTIONEERS ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Establishment and membership of the Board.
- 3A. Board to be a body corporate.
4. Object and functions of the Board.
5. Powers of the Board.
6. Meetings and procedure of the Board.
7. Secretary of the Board.
8. Revenue and expenditure.
9. Prohibition against unlicensed auctioneers.
10. Eligibility for licence.
11. Issue of licence in special circumstances.
12. Licensing of auctioneers.
13. Auctioneer's identification card.
14. Conditions of licence.
15. Condition with respect to sole proprietors and sole surviving partnerships.
16. Renewal of licence.
17. Refusal to grant or renew licence.
18. Revocation of licence.
19. Suspension of licence.
20. Register of licences.
21. Auction sales.
22. Recovery of charges by auctioneer.
23. Duties of auctioneers.
24. Complaints against auctioneers.
25. Appeals.
26. Right to recover damages from auctioneer.
27. General penalty.
28. Court may order revocation or suspension of licence.
29. Acquittal no bar to disciplinary proceedings.
30. Rules.
31. Repeal of Cap. 20 and Cap. 526.
32. Transitional.
33. Amendment to Cap. 23.
34. Amendment to Cap. 293.
35. Amendment to Cap. 300.
36. Amendment to Cap. 323.
37. Amendment to Cap. 533.
38. Act not to apply to Customs auctions.

SCHEDULE — MEETINGS AND PROCEDURE OF THE BOARD

NO. 5 OF 1996
AUCTIONEERS ACT

[Date of assent: 16th October, 1996.]

[Date of commencement: 15th August, 1997.]

An Act of Parliament to consolidate and amend the law relating to auctioneers, to provide for the licensing and regulations of the business and practice of auctioneers, and for connected purposes

[Act No. 5 of 1996, L.N. 146/1997, Act No. 2 of 2002, Act No. 7 of 2007, Act No. 57 of 2012, Act No. 11 of 2017.]

1. Short title

This Act may be cited as the Auctioneers Act, 1996.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**advocate**” has the meaning assigned to it in section 2 of the Advocates Act (Cap. 16);

“**auctioneer**” means a person licensed under section 10;

“**Board**” means the Auctioneers Licensing Board established by section 3;

“**Council of the Law Society**” means the Council of the Law Society of Kenya elected under section 13 of Law Society of Kenya Act (Cap. 18);

“**court**” means any court of competent jurisdiction;

“**licence**” means a licence issued under this Act;

“**licensed auctioneer**” means an auctioneer licensed under this Act.

“**minister**” *deleted by Act No. 2 of 2002, sch.*

(2) Subject to subsection (3), any person who—

- (a) attaches for sale any movable or immovable property in execution of a court order made pursuant to the provisions of any written law or contract;
- (b) sells or offers for sale any movable or immovable property or any interest therein by auction or by any other mode of sale by competition;
- (c) levies distress for rent or distrains under the provisions of any written law;
- (d) carries out evictions under an order of a court;
- (e) repossesses goods from any person pursuant to the provisions of any written law or contract,

shall, for the purposes of this Act, be deemed to carry on the business of an auctioneer.

(3) The provisions of this Act shall not apply to an auction sale under the Coffee Act (Cap. 333) or the Tea Act (Cap. 343).

[Act No. 2 of 2002, Sch., Act No. 11 of 2017, Sch.]