

## **SECTION 45 OF THE CONSUMER PROTECTION ACT (CPA), NO. 68 OF 2008**

### **Section 45: Auctions**

- (1) *In this section, "auction" includes a sale in execution of or pursuant to a court order, to the extent that the order contemplates that the sale is to be conducted by an auction.*
- (2) *When goods are put up for sale by auction in lots, each lot is, unless there is evidence to the contrary, regarded to be the subject of a separate transaction.*
- (3) *A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in any other customary manner, and until that announcement is made, a bid may be retracted.*
- (4) *Notice must be given in advance that a sale by auction is subject to:-*
  - (a) *a reserved or upset price; or*
  - (b) *a right to bid by or on behalf of the owner or auctioneer, in which case the owner or auctioneer, or any one person on behalf of the owner or auctioneer, as the case may be, may bid at the auction.*
- (5) *Unless notice is given in advance that a sale by auction is subject to a right to bid by or on behalf of the owner or auctioneer:-*
  - (a) *the owner or auctioneer must not bid or employ any person to bid at the sale;*
  - (b) *the auctioneer must not knowingly accept any bid from a person contemplated in paragraph (a); and*
  - (c) *the consumer may approach a court to declare the transaction fraudulent, if this subsection has been violated.*
- (6) *The Minister may prescribe requirements to be complied with by an auctioneer, or different categories of auctioneer, in respect of:-*
  - (a) *the conduct of an auction;*
  - (b) *the records to be maintained with respect to property placed for auction; and*
  - (c) *the sale of any such property by auction.*