



***IN THE SECOND SESSION OF THE FOURTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA***

**REPORT OF THE COMMITTEE ON DEFENCE AND
INTERIOR ON THE AUCTION SALES BILL**

1.0 INTRODUCTION

- 1.1 The Auction Sales Bill was laid before the House on Thursday, 20th July, 2006 and referred to the Committee on Defence and Interior for consideration and report in accordance with Article 103 of the 1992 Constitution of Ghana and Order No. 158 of the Standing Orders of the House.
- 1.2 In considering the Bill, the Committee met with the Hon. Minister for the Interior and officials from the Ministry of Interior, the Attorney-General and Minister of Justice and his Deputy, Justice V.C.R.A.C. Crabbe of the Attorney-General's Department and Hon. Papa Owusu Ankomah, Minister for Education, Science and Sports.

The Committee is grateful to them for providing the necessary inputs and clarifications during the Committee's deliberations.





2.0 REFERENCE DOCUMENTS

The Committee made reference to the following documents in its deliberations:

- (i) The 1992 Constitution of the Republic of Ghana
- (ii) The Standing Orders of the House
- (iii) The Auction Sales Law, 1989 (PNDCL 230)
- (iv) The Auction Sales Ordinance, 1923 (Cap 196)
- (v) The Auction Sales Bill

3.0 PURPOSE OF THE BILL

The Bill seeks to put in place, a mechanism by which persons, licensed to practice as auctioneers before and after the passage of the Auction Sales Law, 1989 (PNDCL 230) would be registered.

4.0 BACKGROUND INFORMATION

Prior to the passage of the Auction Sales Law, 1989 (PNDCL 230), the Auction Sales Ordinance (Cap 196) vested the power to issue and renew auctioneers licences in the Police Service.

The Auction Sales Law, 1989 (PNDCL 230) mandated the Government to establish an Auctioneers Registration Board to oversee the issuance and renewal of auctioneers licences. Unfortunately, the Board, since the passage of the Auction Sales Law, 1989 (PNDCL 230) was not constituted thereby enabling the Police Service to unlawfully continue with the issuance and renewal of auctioneers' licences – a conduct violating the provisions of the

Auction Sales Law, 1989. A Board was however, constituted in year 2004.

Upon the constitution of the Auctioneers Registration Board, controversies surrounding the power of the Board to renew licences issued before the passage of the Auction Sales Law, 1989 and the validity of auctioneers' licences issued after the passage of the Law emerged. Auctioneers who obtained licences after the passage of the Law and those whose expired licences were renewed by the Police Service were therefore not holding valid licences.

This situation, necessitating a need for an effective mechanism, has given the impetus for the enactment of a law to regularize the situation and to prevent the situation where people would suffer through no fault of theirs.

5.0 OBSERVATIONS

The Committee made a number of observations and these are submitted as follows:

- 5.1 The Committee observed that the non-existence of a Board to oversee the issuance and renewal of auctioneers' licences as stipulated in the Auction Sales law, 1989 (PNDCL 230) until April 2004 when a Board was constituted has rendered many auctioneers redundant thereby depriving them of their daily sustenance. Thus, the Committee considers the Bill to be of an urgent nature and should be passed under the Certificate of Urgency.

This situation, the Committee observed would hinder many persons from practicing as auctioneers.

- 5.4. Finally, the Committee observed that the Bill seeks to confer authority on the constituted Board to register all persons licensed to practice as auctioneers before and after the passage of the Auction Sales Law, 1989 (PNDCL 230). To this end, the Committee proposes the below amendment.

6.0 AMENDMENTS PROPOSED

Long Title

Line one - delete "**registration**" after "*the*" and substitute "**registration**".

Line two - (i) delete "**auctioneer**" after "*as*" and substitute "**auctioneers**".

(ii) insert "**and after**" after "*before*".

The long title of the Bill will therefore read as follows:

"AN ACT to provide for the registration of certain persons who were licensed to practice as auctioneers before and after the coming into force of the Auction Sales Law, 1989 (PNDCL 230) and for related matters".

6.0 RECOMMENDATION AND CONCLUSION

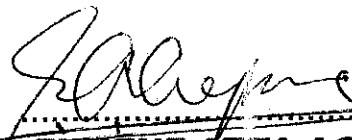
The Committee, after having examined the provisions of the Bill is of the considered view that the need to put a mechanism in place to regularize the situation created by government's failure to establish an Auctioneers Registration Board is laudable and needs to be supported.

The Committee therefore recommends to the House, the adoption of its Report and (subject to the consideration of the proposed amendments) the passage of the Auction Sales Bill.

Respectfully submitted.



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ABIGAIL ABA ANSO (Ms.)
(CLERK TO THE COMMITTEE)



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HON. EUGENE ATTA AGYEPONG
(CHAIRMAN, COMMITTEE ON
DEFENCE AND INTERIOR)

JULY 2006