



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS SECOND YEAR EXAMINATION FOR THE AWARD OF THE DIPLOMA IN LAW SECOND SEMESTER, 2021/2022 (FEBRUARY – JUNE, 2022)

DLAW 0225: AUCTIONEERING

STREAM: DLAW 2 S2

TIME: 2 HOURS

DAY: MONDAY, 12:00 – 2:00 P.M.

DATE: 30/05/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.*
- 2. Answer Question ONE [Compulsory] and any other THREE Questions.*
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.*

QUESTION ONE

1. (a) Define the following terms:

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| i. Auctioneering. | (2marks) |
| ii. Auction. | (2 marks) |
| iii. Auctioneer. | (2 marks) |
| iv. Distress for rent. | (2 marks) |

(b) Make short notes on the following in so far as auctioneering is concerned;

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|---|------------------|
| i. Client's account. | (3 marks) |
| ii. Maintenance of client's account. | (3 marks) |
| iii. Books of account. | (3 marks) |
| iv. Accountant's certificate. | (3marks) |

(c) Discuss the composition of the Auctioneers Board. **(10marks)**

QUESTION TWO

2. (a) Discuss the objects, functions and powers of the Auctioneers Board. **(15 marks)**
- (b) Outline the instances when the Board may revoke the license of an Auctioneer. **(5 marks).**

QUESTION THREE

- (b) Having attended a training on key aspects of Auctioneering, you have been invited by the student leadership of **Makasiriko University School of Law** to deliver a key note address on Auctioneering related matters.

In their letter forwarded to you, they have requested you to focus your address on the issuance of the Auctioneer's license.

- a) Prepare a presentation outlining the requirements needed for one to be issued with an Auctioneer's license and to practice as an Auctioneer. **(8 marks)**
- b) In your presentation outline the conditions that come with the Auctioneer's license. **(7 marks)**
- c) Outline the procedure for application for the Auctioneer's license. **(5 marks)**
- d) Outline the instances when the board may decline to issue or renew a license. **(5 marks)**

QUESTION FOUR

- (c) (a) Discuss the process of execution of a decree. **(10 marks)**
- (b) List the contents of a court warrant or a letter of instruction. **(10 marks)**

QUESTION FIVE

Mr. Azimio had sought the services of KaziniKazi Auctioneers for the realization of the decretal sum awarded by a court of law against one Mr. Maringo (the judgment debtor). KaziniKazi Auctioneers proceeded and attached and thereafter sold the properties of the judgment debtor through public auction. Nine months down the line, KaziniKazi Auctioneers have declined to remit to him the proceeds of the said sale. Mr. Azimio has come to you for advice and the procedure for lodging complaints against such rogue Auctioneers.

- a) Discuss with him the procedure for lodging his complaint against KaziniKazi Auctioneers. **(10 marks)**
- b) Outline the probable orders the board may make if KaziniKazi is found guilty of the allegations raised by Mr. Azimio. **(5 marks)**
- c) Outline the duties of an auctioneer. **(5 marks)**