



LANDS TITLES DIVISION

A DIVISION OF THE DEPARTMENT OF LANDS

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NOTICE TO LODGING PARTIES

The Bills of Sale Act Amendment Act, 1983 has been proclaimed to come into operation on 10.5.1984

The amendments should be perused in full. However, your attention is directed to the following relevant features with respect to the General Registry Office functions and related matters, as varied by the amendments to the Bills of Sale Act:-

1. Section 9 has now been amended to provide as follows:-

"9 Every bill of sale shall contain or state:-

(1). the names of the grantor and grantee, their residences or places of business and occupations: Provided that it shall be sufficient to state the names by which the grantor or grantee is usually known, and, in the case of a corporation, it shall be sufficient to state the corporate name, with the place or one of the places where the business of the corporation is usually carried on:

(2). the name, place of residence or business, and occupation of every attesting witness.

And such bill of sale shall not be registered unless it shall contain the above particulars".

Section 9 (2) must be read in conjunction with Section 13.

N.B. The former practice of having the execution of a bill of sale attested by a witness by merely signing his or her name and that execution generally being proved as provided in the repealed Section 14, will now be unacceptable.

The execution of a bill of sale, or any dealing with a bill of sale, will need to be attested by one or more credible witnesses, not being a party or parties to the bill, such witness also stating in full his or her name, place of residence or business, and occupation.

2. Section 13 is the authority for the attestation requirement of a bill of sale and any "dealing" therewith.
3. Section 14 has been repealed and proof of execution of bills of sale and other dealings therewith is no longer required.
4. Section 17 has now been repealed and re-enacted as follows:

"Subject to this Act, every bill of sale shall be registered within sixty days from the date of its execution".
5. Section 17b provides for the Supreme Court to extend time for registration of bills of sale and the substituted Section 19b makes a similar provision for extension of time for renewal of same.
6. Section 20 has been amended to provide specific statutory authority for transfer or assignment of a bill of sale to be made by separate instrument.
7. Sections 21, 22 and 23 have been repealed and replaced by the substitution of new Sections 21, 22 and 23.

Section 21 now provides, in addition to the extension of bills of sale, for variations or corrections of such bills. Transmissions, deaths, changes of status or name (relating to any party to the Bill of Sale) or any other variation or correction can now be effected under Section 21. However, additional personal chattels cannot be included in a bill of sale by variation or correction.

Section 22 now provides specifically for discharge by separate instrument. The form of discharge by endorsement set out in the new Fourth Schedule, suitably varied, may also be used for a discharge by separate instrument. Current stocks of bills of sale forms, previously accepted with the pre-printed discharge thereon, may continue to be used until exhausted and will be accepted for registration.

Section 23 deals with the requirements for registration of any dealings with a registered bill of sale. Pro forma applications of various dealings will be available shortly upon request at the General Registry Office lodgment counter on the first floor of the Colonel Light Centre and these may be modified to suit the circumstances of any particular case; variations in substance should be submitted to the Registrar. However, dealings such as transfers, assignments, extensions and discharges of bills of sale will not require a separate written application for registration, as these are specifically provided for in the Bills of Sale Act.

8. Regulations entitled Bills of Sale Act (Paper for Instrument) Regulations, 1984 (made under Section 38a of the Act) prescribing the size and kind of paper to be used for bills of sale or other instruments lodged for registration or filing in the Registry, have been promulgated and will come into effect on 10.5.1984

Under the regulations, the paper shall be international B4 size paper (353 millimetres in length by 250 millimetres in width), be paper of not less substance than 80 grammes per square metre and free from discolouration or blemishes.

In appropriate circumstances, such as the need to use up present stocks of forms, this requirement may be dispensed with by the Registrar.

9. The Amendment further provides in Section 38b for the Treasurer to execute a discharge of a bill of sale in circumstances where the grantee is dead, cannot be found or is incapable of executing a discharge..

Your attention is further directed to the following matters relating to the amendments by the Stock Mortgages and Wool Liens Amendment Act, 1983, viz:-

1. The time within which Stock Mortgages and preferable Liens on wool may be registered will also be sixty days from the date thereof.
2. Stock Mortgages and preferable Liens on wool will no longer require proof of attestation.
3. For the present any requirements of size and kind of paper to be used for Stock Mortgages and preferable Liens on wool have been dispensed with.

It is anticipated that the above amendments relating to the Stock Mortgages and Wool Liens Act, 1926 will also be proclaimed to come into operation on 10.5.1984.

It must be emphasised that the above comments relate to the principal alterations as regards the practice which will apply to the registration of Bills of Sale, Stock Mortgages, and Wool Liens and ancillary dealings therewith. For complete details of the changes effected by the above amendments it will be necessary for conveyancers to read the whole of the amending legislations.

J.G. MAHER
REGISTRAR-GENERAL

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