



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 35 of 1963

An Act relating to the protection of the purchasers of certain books and for other purposes.

[Assented to 28th November, 1963.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

- Short titles.** **1.** This Act may be cited as the "Book Purchasers Protection Act, 1963".
- Interpretation.** **2.** In this Act the word "book" means any book, engravings, lithographs, pictures or any other like matter whether illustrated or not.
- Application.** **3.** Subject to section 7, this Act shall apply to every contract for the sale of any book or books where the total price payable for such book or books exceeds ten pounds and negotiations carried on by the vendor or his agent in person and leading to the making of such contract are conducted or take place wholly or partly at the place of residence or employment of the purchaser.
- Evidence of contracts not complying with certain conditions.** **4.** Every such contract shall be unenforceable against the purchaser unless—
- (a) such contract is in writing and sets out all the terms of the contract including the total price payable; and
 - (b) such contract has been signed by the purchaser and all other parties to the contract; and
 - (c) there is printed on that contract in capital letters of size not less than eighteen point face the words "This contract is unenforceable against the

purchaser unless and until the purchaser notifies the vendor in writing not less than five nor more than 14 days after the date hereof that he confirms it"; and

- (d) the vendor of any books under such contract or his agent has at the time of the signing thereof delivered to the purchaser a duplicate of the said contract and has obtained from the purchaser an acknowledgment in writing of receipt of such duplicate ; and
- (e) the purchaser under such contract not less than five nor more than fourteen days after the date thereof has notified the vendor in writing that the purchaser confirms such contract.

5. A vendor or his agent shall not accept or receive from a purchaser under any such contract for the sale of books any deposit or other consideration whether monetary or otherwise or deliver to the purchaser any book or books the subject matter of the contract until the purchaser has notified the vendor in writing that the purchaser confirms such contract.

Receipt of deposits.

Penalty : Not exceeding one hundred pounds.

6. A vendor or his agent shall not, during the period hereinbefore allowed by this Act for confirmation of the contract by a purchaser, solicit or otherwise attempt to obtain from such purchaser any notification under paragraph (e) of section 4 of this Act.

Soliciting notice of confirmation.

Penalty: Not exceeding one hundred pounds.

7. This Act shall not apply to any contract when the purchaser is a person whose trade or business is that of buying and selling books.

Non-application to wholesale trade.

8. Proceedings for offences against this Act shall be heard and determined summarily.

Summary procedure.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.