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ELIZABETHAE SECUNDAE REGINAE

VICTORIA

Chattel Securities Act 1981

No. 9650

An Act to make Provision relating to Chattel Securities and for that Purpose to amend the *Instruments Act* 1958, the *Transport Regulation Act* 1958 and the *Motor Car Act* 1958 and for other purposes.

[Assented to 15 December 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

PART I.—PRELIMINARY.

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| Short title. | 1. (1) This Act may be cited as the <i>Chattel Securities Act</i> 1981. |
| Commencement. | (2) The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the <i>Government Gazette</i> . |
| Division into Parts. | (3) This Act is divided into Parts as follows:
Part I.—Preliminary ss. 1-2.
Part II.—Goods Mortgages, Leases and Hire-Purchase Agreements ss. 3-12. |

Part

Part III.—Registration of Holders of Certain Interests
ss. 13–26.

Part IV.—Repeals and Amendments ss. 27–31.

2. (1) In this Act, unless the contrary intention appears—
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| “Board” means the Transport Regulation Board. | Interpretation.
“Board.” |
| “Commercial vehicle” has the same meaning as in the <i>Credit Act</i> 1981. | “Commercial vehicle.” |
| “Farm machinery” has the same meaning as in the <i>Credit Act</i> 1981. | “Farm machinery.” |
| “Goods” includes all chattels personal and fixtures severable from the realty other than things in action and money. | “Goods.” |
| “Goods mortgage” means an instrument or transaction by or under which a security interest in or over an interest in goods is reserved or created or otherwise arises. | “Goods mortgage.” |
| “Hire-purchase agreement” has the same meaning as in the <i>Hire-Purchase Act</i> 1959. | “Hire-purchase agreement.” |
| “Hirer” has the same meaning as in the <i>Hire-Purchase Act</i> 1959. | “Hirer.” |
| “Lease” means a contract for the hiring of goods or for the grant of a licence to use goods and any other contract for the bailment of goods but does not include a hire-purchase agreement. | “Lease.” |
| “Lessee” in relation to a lease of goods means the person to whom the goods are hired under the lease or to whom a licence to use the goods is granted under the lease. | “Lessee.” |
| “Lessor” in relation to a lease of goods means the person who hires the goods to another person under the lease or grants to another person under the lease a licence to use the goods. | “Lessor.” |
| “Mortgagee” in relation to a goods mortgage, means the person to whom goods are mortgaged under the goods mortgage. | “Mortgagee.” |
| “Mortgagor” in relation to a goods mortgage, means the person who mortgages goods under the mortgage. | “Mortgagor.” |
| “Owner” has the same meaning as in the <i>Hire-Purchase Act</i> 1959. | “Owner.” |
| “Prescribed” means prescribed by the regulations. | “Prescribed.” |
| “Register” means the register kept under Part III. | “Register.” |
| “Security interest” means an interest or a power—
(a) reserved in or over an interest in goods; or
(b) created | “Security interest.” |

(b) created or otherwise arising in or over an interest in goods under a mortgage, charge, lien, pledge, trust or power—

by way of security for the payment of a debt or other pecuniary obligation or the performance of any other obligation but does not include an interest or a power reserved, created or otherwise arising under a lease of goods or under a hire-purchase agreement within the meaning of the *Hire-Purchase Act 1959*.

“To mortgage.”

“To mortgage” means to reserve or create or otherwise give rise to a security interest.

“Tribunal.”

“Tribunal” means the Credit Tribunal established under the *Credit Act 1981*.

(2) This Act applies to a person to whom the rights and obligations of—

- (a) a mortgagee under a goods mortgage ;
- (b) a mortgagor under a goods mortgage ;
- (c) a lessor under a lease ;
- (d) a lessee under a lease ;
- (e) an owner under a hire-purchase agreement ; or
- (f) a hirer under a hire-purchase agreement—

have passed by operation of law in the same manner as this Act applies to the person from whom the rights and obligations have passed by operation of law.

(3) For the purposes of this Act, a person has notice of a security interest of a mortgagee in goods or of the interest of a lessor or owner in goods—

- (a) if he has actual notice of the security interest or interest ;
- (b) where the security interest or interest is in goods to which Part III. applies—if the mortgagee, lessor or owner is registered in the register as the holder of a security interest or interest in those goods; or
- (c) if he has been put upon inquiry as to the existence of the security interest or interest and has deliberately abstained from inquiry or further inquiry when he might reasonably have expected the inquiry or further inquiry to reveal the security interest or interest.

(4) For the purposes of this Act, a person has notice of a security interest of a mortgagee in goods affixed to land if he would have had, or would have been deemed to have had, notice of that interest if sub-section (3) had not been enacted.

(5) Where an amount other than the sum of \$15,000 but not exceeding the sum of \$50,000 is prescribed by the regulations as the purchase price for the purposes of sections 8, 9, 10 and 25, a reference in this Act to \$15,000 is a reference to the prescribed amount.

(6) In

(6) In this Act, unless the contrary intention appears, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

PART II.—GOODS MORTGAGES, LEASES AND HIRE-PURCHASE AGREEMENTS.

3. (1) The provisions of this Part (other than section 5) apply (notwithstanding anything to the contrary in any other Act or law) to and in respect of a goods mortgage, a lease or a hire-purchase agreement (whether created within or outside Victoria) where the goods the subject of the mortgage, lease or agreement—

Application of Part.

- (a) are at the date of creation of the mortgage, lease or agreement situated in Victoria ; or
- (b) are for the time being situated in Victoria.

(2) Section 5 applies (notwithstanding anything to the contrary in any other Act or law) to and in respect of a goods mortgage (whether created within or outside Victoria) where the goods the subject of the mortgage are at the date of creation of the mortgage situated in Victoria.

(3) In this Part, a reference to a goods mortgage, a lease, a hire-purchase agreement or a security interest does not include a reference to a goods mortgage, a lease or a hire-purchase agreement made, or a security interest reserved or created or otherwise arising, before the date of commencement of this Act.

4. Without limiting the manner in which a goods mortgage may be created, a goods mortgage in or over an interest of a person in goods may be created by—

Creation of goods mortgage.

- (a) the agreement of the person in a contract ; or
- (b) the statement by the person in an instrument—

that he mortgages the goods to another person.

5. (1) Where an instrument or transaction reserves or creates or otherwise gives rise to a security interest, not being a possessory lien or a pledge, in or over an interest in goods—

Security interest to have effect as statutory charge.

- (a) the security interest has effect under and subject to this Act as a statutory charge in or over the interest in the goods ;
- (b) the provisions of the *Property Law Act 1958* applicable to a mortgage, whether by deed or otherwise, apply to the goods mortgage by or under which the security interest is reserved or created or otherwise arises, unless the goods mortgage otherwise provides ; and
- (c) the mortgagee under the goods mortgage by or under which the security interest is reserved or created or otherwise arises has an interest in the goods.

(2) Without

(2) Without limiting the generality of sub-section (1), a mortgagee under a goods mortgage, unless the goods mortgage otherwise provides—

(a) has and may exercise all the rights and powers conferred on a mortgagee under a mortgage deed by the *Property Law Act 1958* and, where default is made by the mortgagor in payment of a debt or other pecuniary obligation or the performance of any other obligation in respect of which the goods mortgage is security, has and may exercise—

- (i) such power to seize the goods that are subject to the goods mortgage as is applicable under the *Property Law Act 1958* to a mortgage by a person who mortgages and is express to mortgage goods as beneficial owner ;
- (ii) where the mortgagee sells an interest he has in the goods that are subject to the goods mortgage, power to pass the legal title to that interest ; and
- (iii) where the default has continued for six months, power to apply to a court for an order for foreclosure ; and

(b) is subject to such duties and obligations as are imposed on a mortgagee under a mortgage deed by the *Property Law Act 1958* or as are duties or obligations to which the exercise of a right or power referred to in sub-paragraph (i) (ii) or (iii) of paragraph (a) is subject.

(3) Where on an application for foreclosure the court is satisfied that in the circumstances of the case an order for foreclosure should be made, the court may make the order.

(4) An order for foreclosure has the effect of vesting in the mortgagee the interest in the goods freed and discharged from any interest of the mortgagor and from any security interest subsequent to the interest of the mortgagee.

6. (1) A mortgagor under a goods mortgage shall not by the assignment, disposal or sale, or attempted assignment, disposal or sale, of an interest in goods that are subject to the mortgage or by the removal of such goods or by any other means defraud or attempt to defraud the mortgagee.

(2) A person (not being a mortgagor) who knows of the security interest of a mortgagee in goods shall not by the assignment, disposal or sale, or attempted assignment, disposal or sale, of an interest in the goods or by the removal of the goods or by any other means defraud or attempt to defraud the mortgagee.

(3) A lessee

Fraudulent assignment, disposal or sale of mortgaged or leased goods.
Cf. *Credit Act 1979* and *Hire-Purchase Act 1959* s. 54.

(3) A lessee under a lease of goods shall not by the assignment, disposal or sale, or attempted assignment, disposal or sale, of an interest in goods that are subject to the lease or by the removal of the goods or by any other means defraud or attempt to defraud the lessor.

(4) A hirer under a hire-purchase agreement shall not by the assignment, disposal or sale, or attempted assignment, disposal or sale, of an interest in goods that are subject to the hire-purchase agreement or by the removal of the goods or by any other means defraud or attempt to defraud the owner.

(5) A person (not being the lessee or hirer) who knows that goods are subject to a lease or a hire-purchase agreement shall not by the assignment, disposal or sale, or attempted assignment, disposal or sale, of an interest in the goods or by the removal of the goods or by any other means defraud or attempt to defraud the lessor or owner.

Penalty: 50 penalty units or imprisonment for one year.

7. (1) Where, after a goods mortgage is made, goods subject to the mortgage are affixed to land and become fixtures, the fixtures shall, subject to sub-section (2), for the purposes of the exercise of the mortgagee's rights to take possession of, remove and sell the goods, be deemed not to have become fixtures. *Fixtures.*

(2) A mortgagee who removes fixtures to which sub-section (1) applies is liable to make good damage done to the land in removing the fixtures.

(3) Where, after a lease of goods is made, goods subject to the lease are affixed to land and become fixtures, the fixtures shall, subject to sub-section (4), for the purposes of the exercise of the lessor's right to take possession of the goods, be deemed not to have become fixtures.

(4) A lessor who removes fixtures to which sub-section (3) applies is liable to make good damage done to the land in removing fixtures.

(5) Where, after a hire-purchase agreement is made, goods subject to the agreement are affixed to land and are for the time being fixtures, the fixtures shall, subject to sub-section (6), for the purposes of the exercise of the owner's right to take possession of the goods, be deemed not to have become fixtures.

(6) An owner who removes fixtures to which sub-section (5) applies is liable to make good damage done to the land in removing the fixtures.

(7) Notwithstanding anything contained in this section, a mortgagee, lessor or owner shall not be entitled to take possession of goods that have become affixed to land and become fixtures if, after the

the goods have become so affixed, a person other than the mortgagor, lessee or hirer has acquired an interest in the land for value in good faith and without notice of the security interest of the mortgagee or interest of the lessor or owner.

(8) Where goods subject to a goods mortgage, a lease or a hire-purchase agreement were affixed to land after an offer to enter into the goods mortgage, lease or hire-purchase agreement was made, but before the offer was accepted, the goods shall for the purposes of this section be deemed to have been affixed to the land after the goods mortgage, lease or hire-purchase agreement was made.

Extinguishing of mortgagee's security interest in goods,

8. (1) Subject to section 11, where a mortgagee has a security interest (other than a possessory lien or a pledge) in or over an interest in goods under a goods mortgage but is not in possession of the goods and a person (in this sub-section called "the purchaser") purchases or purports to purchase an interest in the goods (otherwise than at a sale in pursuance of a process of execution issued by or on behalf of a judgment creditor) for value in good faith and without notice when he pays the purchase price (or, where the price is not paid at one time, when he first pays part of the purchase price) of the security interest of the mortgagee from—

(a) the mortgagor ; or

(b) another person who is in possession of the goods in circumstances where the mortgagor has lost his right to possession of the goods or is estopped from asserting his title to the goods against the purchaser—

the security interest of the mortgagee shall be extinguished and the purchaser shall acquire the interest purchased or purported to be purchased in the goods free from that security interest.

(2) The onus of proving that a person has acquired an interest in goods free from a security interest is on the person asserting that the interest was so acquired.

(3) In this section, a reference to a person in relation to the purchase or purported purchase of an interest in goods does not include a reference to a person who carries on a trade or business in which he deals in goods of that kind unless the reference is in relation to the purchase or purported purchase of an interest in goods to which Part III. applies.

(4) A reference in sub-section (1) to payment of the purchase price or to payment of part of the purchase price includes a reference to the giving of any valuable consideration in satisfaction of the purchase price or of part of the purchase price.

(5) The

(5) The provisions of this section do not apply to or in respect of a purchase or purported purchase of an interest in goods, other than a commercial vehicle or farm machinery, where the purchase price exceeds \$15 000.

(6) Section 31 of the *Goods Act* 1958 has no effect in relation to the delivery or transfer of goods or documents of title to goods where the purchase price does not exceed \$15 000 or where the goods are a commercial vehicle or farm machinery.

9. (1) Subject to section 11, where there is a lease of goods by a lessor in the course of a business and the goods are not in the possession of the lessor and a person (in this sub-section called "the purchaser") purchases or purports to purchase an interest in the goods (otherwise than at a sale in pursuance of a process of execution issued by or on behalf of a judgment creditor) for value in good faith and without notice when he pays the purchase price (or, where the price is not paid at one time, when he first pays part of the purchase price) of the interest of the lessor from—

Extinguishing of lessor's interest in goods.

(a) the lessee ; or

(b) another person who is in possession of the goods in circumstances where the lessee has lost his right to possession of the goods or is estopped from asserting that right against the purchaser—

the interest of the lessor shall be extinguished and the purchaser shall acquire the interest purchased or purported to be purchased in the goods free from the interest of the lessor.

(2) The onus of proving that a person has acquired an interest in goods free from an interest of a lessor is on the person asserting that the interest was so acquired.

(3) In this section, a reference to a person in relation to the purchase or purported purchase of an interest in goods does not include a reference to a person who carries on a trade or business in which he deals in goods of that kind unless the reference is in relation to the purchase or purported purchase of an interest in goods to which Part III. applies.

(4) A reference in sub-section (1) to payment of the purchase price or to payment of part of the purchase price includes a reference to the giving of any valuable consideration in satisfaction of the purchase price or of part of the purchase price.

(5) The provisions of this section do not apply to or in respect of a purchase or purported purchase of an interest in goods, other than a commercial vehicle or farm machinery, where the purchase price exceeds \$15 000.

10. (1) Subject

Extinguishing
of owner's
interest in
goods under
hire-purchase
agreement.

10. (1) Subject to section 11, where there is a hire-purchase agreement relating to goods made by an owner in the course of a business and the goods are not in the possession of the owner and a person (in this sub-section called "the purchaser") purchases or purports to purchase an interest in the goods (otherwise than at a sale in pursuance of a process of execution issued by or on behalf of a judgment creditor) for value in good faith and without notice when he pays the purchase price (or, where the price is not paid at one time, when he first pays part of the purchase price) of the interest of the owner from—

- (a) the hirer ; or
- (b) another person who is in possession of the goods in circumstances where the hirer has lost his right to possession of the goods or is estopped from asserting that right against the purchaser—

the interest of the owner shall be extinguished and the purchaser shall acquire the interest purchased or purported to be purchased in the goods free from the interest of the owner.

(2) The onus of proving that a person has acquired an interest in goods free from an interest of an owner is on the person asserting that the interest was so acquired.

(3) In this section, a reference to a person in relation to the purchase or purported purchase of an interest in goods does not include a reference to a person who carries on a trade or business in which he deals in goods of that kind unless the reference is in relation to the purchase or purported purchase of an interest in goods to which Part III. applies.

(4) A reference in sub-section (1) to payment of the purchase price or to payment of part of the purchase price includes a reference to the giving of any valuable consideration in satisfaction of the purchase price or of part of the purchase price.

(5) The provisions of this section do not apply to or in respect of a purchase or purported purchase of an interest in goods, other than a commercial vehicle or farm machinery, where the purchase price exceeds \$15 000.

Purchases to
which sections
8, 9 and 10 do
not apply.

11. (1) For the purposes of sections 8, 9 and 10, a purchase or purported purchase of goods by a person (in this sub-section called "the purchaser") is not a purchase or purported purchase for value in good faith and without notice of a security interest of a mortgagee in goods, the interest of a lessor in goods or the interest of an owner in goods where—

- (a) the purchaser is a member of the same household as is the seller or purported seller;

(b) the

(b) the purchaser and the seller or purported seller are bodies corporate that are related to each other ; or

(c) one of the purchaser and the seller or purported seller is a body corporate and the other a natural person who within the meaning of the *Companies Act 1961* is a director or officer of the body corporate—

unless the person asserting that it is such a purchase or purported purchase proves beyond reasonable doubt that it is such a purchase or purported purchase.

(2) For the purposes of sub-section (1), the question whether bodies corporate are related to each other shall be determined in the same manner as the question whether corporations within the meaning of the *Companies Act 1961* are related to each other would be determined under that Act.

12. The Governor in Council may make regulations for or with respect to prescribing any matter or thing authorized or required to be prescribed for the purposes of this Part. Regulations.

PART III.—REGISTRATION OF HOLDERS OF CERTAIN INTERESTS

13. (1) The goods to which this Part applies are—

(a) motor cars within the meaning of the *Motor Car Act 1958*;

(b) trailers within the meaning of the *Motor Car Act 1958*; and

(c) where an order is made under sub-section (2), on and after the date specified in that order, motor boats within the meaning of the *Motor Boating Act 1961*.

(2) The Governor in Council may by Order published in the *Government Gazette* declare that on and after a date specified in the Order, this Part will apply to motor boats within the meaning of the *Motor Boating Act 1961*.

14. (1) The Board may, either generally or as otherwise provided in the instrument of delegation, by writing delegate to any officer or employé of the public service or of the Board all or any of its functions or powers under this Part, except this power of delegation. Delegation.

(2) The Board may, by instrument in writing, vary or revoke a delegation made by it.

(3) Any act or thing done in the performance of a function or the exercise of a power by a person to whom that function or that power has been delegated by the Board under sub-section (1) has the same force and effect as if it had been done by the Board.

(4) A delegation

(4) A delegation under sub-section (1) does not prevent the performance of a function or the exercise of a power by the Board.

Register.

15. The Board shall keep a register in the prescribed form or in the prescribed manner in which shall be entered the names of persons registered under this Part as holders of security interests or other interests in relation to goods to which this Part applies.

Application or registration.

16. (1) A person may make application to the Board for registration of a person as the holder of—

- (a) a security interest (other than a possessory lien or a pledge) of a mortgagee in goods to which this Part applies under a goods mortgage;
- (b) an interest of a lessor in goods to which this Part applies under a lease; or
- (c) an interest of an owner in goods to which this Part applies under a hire-purchase agreement.

(2) An application under sub-section (1) shall be in or to the effect of the prescribed form or made in the prescribed manner and shall be accompanied by the prescribed fee.

(3) The Board shall, in relation to each application under this section, enter in the register the name of the person specified in the application as the holder of a security interest or other interest in goods to which this Part applies and other particulars of the application and the date on which, and time at which, the entry is made.

Offence to register false information.

17. (1) A person shall not make an application under section 16 for the registration of a person as the holder of a security interest or other interest referred to in section 16 in specified goods where that person is not such a holder.

Penalty: 5 penalty units.

(2) It is a defence to a prosecution of a person for an offence under sub-section (1) if the person proves that when the application was made he believed on reasonable grounds that the person was the holder of the security interest or other interest.

Cancellation of registration.

18. Where a person is registered under section 16 as the holder of a security interest of a mortgagee or of an interest of a lessor or an owner in goods to which this Part applies, that person may make application to the Board in or to the effect of the prescribed form for the cancellation of that registration.

Penalty for not cancelling registration.

19. Where a person is registered under section 16 as the holder of a security interest of a mortgagee or of an interest of a lessor or an owner in goods to which this Part applies and the security

interest

interest or interest is discharged or extinguished, that person shall, not later than fourteen days after he knows or ought reasonably to know that he has ceased to be the holder of that security interest or interest, make application to the Board in or to the effect of the prescribed form for the cancellation of that registration.

Penalty: 5 penalty units.

20. Where an application is made under section 18 or 19, the Board shall cancel the particulars in the register to which the application relates and shall note in the register the date on which, and time at which, the particulars were cancelled.

Cancellation
of entry in
register.

21. (1) Where a person is registered under section 16 as the holder of a security interest of a mortgagee or of an interest of a lessor or an owner in goods to which this Part applies and there is a change in the particulars of that registration (other than by reason that the security interest or interest is discharged or extinguished) that person may make application in or to the effect of the prescribed form for the variation of those particulars.

Change of
particulars.

(2) The Board shall enter in the register the particulars of each application under this section varying particulars in an entry in the register and the date on which, and time at which, the variation is made.

22. (1) A person may, on payment of the prescribed fee, make application to the Board in or to the effect of the prescribed form or in the prescribed manner for a certificate containing particulars of entries in the register in respect of specified goods to which this Part applies or, where there are no entries in the register in respect of those goods, a statement to that effect.

Certificate
of entry in
register.

(2) The Board shall, on receipt of an application under sub-section (1), issue a certificate bearing the date and time of issue and containing particulars of the entries in the register in respect of the goods specified in the application or, where there are no such entries, a statement to that effect.

(3) In this section, "entries" does not include particulars in the register that have been cancelled under section 20.

23. (1) Where—

(a) the Board issues a certificate in respect of goods under section 22 to a person who carries on a trade or business in which he deals in goods of that kind; and

Purchaser not
to be deemed
to have notice
of security
interest of
dealer in
certain
circumstances.

(b) a security

- (b) a security interest or interest of that person in those goods is entered in the register under this Part during the period of fourteen days commencing on the day on which the certificate is issued—

a person who, during that period, purchases or purports to purchase from the first-mentioned person an interest in those goods for value and in good faith shall not be deemed to have notice when he pays the purchase price (or where the price is not paid at any one time, when he first pays part of the purchase price) of any such security interest or interest by reason only that it is entered in the register under this Part.

(2) The provisions of section 24 do not apply in respect of a security interest or interest, that is extinguished by the operation, together with this section, of section 8, 9 or 10.

Compensation
for loss, &c.
by mortgagee,
&c.

24. (1) A person who suffers loss or damage by reason that a security interest or interest in goods to which this Part applies of which he is the holder is extinguished by the operation of section 8, 9 or 10, being a security interest or interest—

- (a) for the registration of which application had been made under section 16; and
- (b) which, at the time the loss or damage was suffered, was not entered, or was not correctly entered, in the register—

is entitled to make application to the Tribunal for an order for the payment of compensation to the applicant from the Transport Regulation Fund.

(2) Where an application is made under sub-section (1), the Tribunal shall determine whether or not compensation should be paid to the applicant and, if it determines that compensation should be paid, shall make an order for the payment to the applicant from the Transport Regulation Fund of such amount as the Tribunal determines.

(3) Compensation paid in respect of a claim under this section shall not exceed—

- (a) the amount of the debt or other pecuniary obligation or the value of any other obligation secured by the security interest or interest; or
- (b) the value of the goods to which this Part applies and in respect of which the application is made—

at the time the loss or damage is suffered, whichever is the lesser.

25. (1) A person

25. (1) A person who suffers loss or damage arising from, or in connexion with, the purchase of goods to which this Part applies where—

Compensation for loss, &c. by purchaser.

- (a) before the purchase was made, the person made application for a certificate under section 22 in respect of those goods; and
- (b) the certificate issued on that application did not contain particulars of an entry in the register relating to those goods at the time of issue of the certificate—

is entitled to make application to the Tribunal for an order for the payment of compensation to the applicant from the Transport Regulation Fund.

(2) Where an application is made under sub-section (1), the Tribunal shall determine whether or not compensation should be paid to the applicant and, if it determines that compensation should be paid, shall make an order for the payment to the applicant from the Transport Regulation Fund of such amount as the Tribunal determines.

(3) The Tribunal shall not grant an application under sub-section (1) where the person at the time of suffering the loss or damage—

- (a) had actual notice of the security interest or other interest entered in the register; or
- (b) had been put upon inquiry as to the existence of such a security interest or interest and had deliberately abstained from inquiry or further inquiry when he might reasonably have expected the inquiry or further inquiry to reveal the security interest or interest.

(4) The Tribunal shall not grant an application under sub-section (1) where the loss or damage suffered by the applicant arose from, or in connexion with, the payment of a purchase price exceeding \$15,000.

26. The Governor in Council may make regulations for or with respect to prescribing any matter or thing authorized or required to be prescribed for the purposes of this Part.

Regulations.

PART IV.—REPEALS AND AMENDMENTS

27. (1) The *Instruments Act* 1958 is hereby amended as follows :

Repeal of Part VI. of the *Instruments Act* 1958 No. 6279.

- (a) In section 1, the expression “Part VI.—Bills of Sale ss. 32–58.” shall be repealed ;
- (b) Part VI. shall be repealed ;
- (c) In section 59, for the expression “Part VI. of this Act” there shall be substituted the expression “The *Chattel Securities Act* 1981” ;

(d) In

(d) In section 69, for the expression "Part VI. of this Act" there shall be substituted the expression "The *Chattel Securities Act 1981*"; and

(e) The Fourth Schedule, the Fifth Schedule and the Sixteenth Schedule shall be repealed.

(2) Notwithstanding sub-section (1), the provisions of the *Instruments Act 1958* as in force before the date of commencement of this Act continue to apply to and in relation to a bill of sale within the meaning of that Act made or given before that date.

Amendment of
Companies Act
1961 s. 100
No. 6839.
Registration of
charges.

28. For paragraph (c) of section 100 (3) of the *Companies Act 1961* there shall be substituted the following paragraphs:—

"(c) a charge or an assignment created or evidenced by an instrument (including instruments creating or evidencing absolute bills of sale or absolute assignments or transfers of book debts) which if it has been executed by a person other than a corporation before the date of commencement of the *Chattel Securities Act 1981* would have been invalid or of limited effect if not filed or registered under Part VI. of the *Instruments Act 1958* as in force immediately before that date;

(ca) a charge or an assignment created or evidenced by an instrument which if executed by a person other than a corporation would be invalid or of limited effect if not filed or registered under Part VII., VIII. or IX. of the *Instruments Act 1958*;"

Amendment of
No. 6400.

29. The *Transport Regulation Act 1958* is hereby amended as follows:

(a) In section 12A (4) for the expression "and the *Recreation Vehicles Act 1973*" there shall be substituted the expression "the *Recreation Vehicles Act 1973* and the *Chattel Securities Act 1981*";

(b) In section 41 (1) after the expression "*Country Roads Act 1958*" there shall be inserted the expression "and the *Chattel Securities Act 1981*";

(c) In section 41 (2) (b) for the expression "(including fees relating to licences)" there shall be substituted the expression "(including fees relating to licences but not including fees paid under the *Chattel Securities Act 1981*)".

Amendment of
No. 6325.
Proprietorship.

30. The *Motor Car Act 1958* is hereby amended as follows:

(a) In section 3 (1) the interpretation of "proprietor" and "proprietorship" shall be repealed;

(b) In

- (b) In section 6, sub-sections (6), (7), (9), (10), (10AA), (10AB), (10A), (10B), (10C), (10D), (11), (12) and (13) shall be repealed; and
- (c) In section 93 (1) (b)—
- (i) the words “and proprietorship” in sub-paragraph (ii) shall be repealed;
 - (ii) the words “or proprietorship” in sub-paragraph (iii) shall be repealed;
 - (iii) the words “or proprietorship” in sub-paragraph (iv) shall be repealed;
 - (iv) sub-paragraph (v) shall be repealed;
 - (v) the words “and proprietors” in sub-paragraph (vi) shall be repealed;
 - (vi) the words “and proprietors” and “or proprietorship” in sub-paragraph (vii) shall be repealed; and
 - (vii) the words “or proprietorship” in sub-paragraph (viii) shall be repealed.