

No. 2857.

An Act to amend Part VI. of the *Instruments Act 1915.*

[28th December, 1916.]

BE it enacted by the King'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):—

1. This Act may be cited as the *Instruments Act 1916* and shall be read and construed as one with Part VI. of the *Instruments Act 1915* (hereinafter called the Principal Act) which Act and this Act may be cited together as the Instruments Acts.

2. In

2. In section one hundred and twenty-nine of the Principal Act—

Amendment of No. 2672 s. 129.

(1) (a) for the words—

“No bill of sale made or given by way of security and whether made or given before or after the commencement of this Act”

Absolute or conditional bills of sale not to be filed until after notice of intention to file.

there shall be substituted the words—

Askew v. Danby, 18 V.L.R. 335.

“No bill of sale (including any schedule or inventory which is thereto annexed or therein referred to) made on or after the commencement of the *Instruments Act* 1916 either absolutely or conditionally or subject or not subject to any trusts and whereby the grantee or holder has power either with or without notice and either immediately after the making of such bill of sale or at any future time to seize or take possession of any property and effects comprised in or made subject to such bill of sale” ;

(b) after the words “The provisions of this section as to filing shall” there shall be inserted the words “so far only as relates to bills of sale made or given by way of security.”

Provision as to filing bills by way of security.

(2) In section one hundred and thirty of the Principal Act—

Amendment of No. 2672 s. 130.

(a) for the words “the form in the Fifth Schedule hereto” there shall be substituted the words “Form A or Form B (as the case requires) in the Fifth Schedule to this Act as amended by the *Instruments Act* 1916” ;

Forms of notice of intention.

(b) at the end of the first paragraph of the said section there shall be inserted the following words :—

Statement of consideration of absolute bill of sale.

“Provided that in any case where the bill of sale is not made or given by way of security the full and true consideration for the making or giving of such bill of sale shall be stated in such notice.”

(3) In the Fifth Schedule to the Principal Act—

Amendment of No. 2672, Fifth Schedule.

(a) before the words “Notice of intention to file bill of sale” there shall be inserted the heading “Form A” ;

(b) after

- (b) after the words "Notice of intention to file bill of sale" there shall be inserted the words "made or given by way of security";
- (c) at the end of the said Schedule there shall be inserted the form with the heading "Form B" set out in the Schedule to this Act.

Section 2.

SCHEDULE.

FORM B.

NOTICE OF INTENTION TO FILE BILL OF SALE NOT MADE OR GIVEN BY WAY OF SECURITY.

Grantor or Grantors.			Property comprised in Bill of Sale.		Consideration.*	Grantee or Grantees.		
Name or Names in full, and, where the grantors are a partnership firm not incorporated, the usual name or style of such firm.	Business or Occupation.	Place of Business or Residence.	Description.	Where situate.		Name or Names in full.	Business or Occupation.	Place of Business or Residence.

*[State in this column the full and true consideration for the making or giving of the bill of sale.]

I [or we] the above-named grantor [or grantors] hereby give notice that a bill of sale made by me [or us] on the day of 19 of the property above described to the above-named grantee [or grantees] will be filed after the expiration of fourteen days from the date of lodging this notice, and I [or we] hereby direct that notice of any caveat which may be entered against the filing of such bill of sale may be posted addressed as follows [fill in address].

Dated this day of 19 .

Signature of grantor [or grantors] or his [or their] attorney or agent.

Lodged this day of 19 .

To the Registrar-General.