

No. 3524.

An Act to amend the Law relating to
Bills of Sale.

[3rd November, 1927.]

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. (1) This Act may be cited as the *Instruments Act* 1927 and shall be read and construed as one with Part VI. of the *Instruments Act* 1915 (hereinafter called the Principal Act) and any Act amending the same all of which Acts and this Act may be cited together as the Instruments Acts.

Short title
construction
and citation,
Nos. 2872, 2857,
3071, 3206.

(2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Date of
operation.

2. For

New section substituted for No. 2672 s. 129 as amended by No. 2857 s. 2.

Absolute or conditional bills of sale not valid until filed.

No bill of sale to be filed unless lodged with Registrar-General within fifteen days after making.

2. For section one hundred and twenty-nine of the Principal Act as amended by any Act there shall be substituted the following section:—

“ 129. (1) 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* 1927, 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 or giving 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, shall be operative or have any validity at law or in equity until the same is filed in manner provided by the last preceding section of this Act.

(2) No such bill of sale shall be so filed or be operative or have any validity at law or in equity—

(a) unless the same sets forth—

- (i) the full name and the business or occupation of the grantor and grantee of the bill of sale, and the place of business and residence of the grantor and the place of business or residence of the grantee, and, where the grantor carries on any business, the usual name or style under which he carries on business :
- (ii) a description of the property comprised in the bill of sale :
- (iii) the situation of such property :
- (iv) the consideration for the bill of sale, specifying (in the case of a bill of sale made or given by way of security) the amount of past debt (if any), the advance (if any) made at the time of making or giving the bill of sale, and (if such is the case) that future advances are secured by the bill of sale, and (in the case of a bill of sale not made or given by way of security) the full and true consideration for the bill of sale: and

(v) An

- (v) an address to which notices of any caveats which may be entered against the filing of such bill of sale may be posted to the grantor; and
- (b) unless the bill of sale is lodged at the office of the Registrar-General within fifteen days after the making or giving of the bill of sale; and upon such lodgment there shall be paid to the Registrar-General a fee of One shilling."

3. For section one hundred and thirty-two of the Principal Act there shall be substituted the following section:—

"132. No bill of sale lodged as hereinbefore provided shall be filed before the expiration of fourteen days from the date of lodging the same."

New section substituted for No. 2672 s. 132.

Time for filing bill of sale after lodgment.

4. The enactments specified in the Schedule to this Act to the extent to which the same are thereby expressed to be repealed or amended are hereby repealed or amended accordingly.

Amendments of Nos. 2672, 2857. Schedule.

Section 4.

SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal or Amendment.
No. 2672 ..	<i>Instruments Act</i> 1915	<p>(a) Section one hundred and thirty as amended by the <i>Instruments Act</i> 1916 shall be repealed ;</p> <p>(b) In section one hundred and thirty-one—</p> <p>(i) for the words “specified in such notices” there shall be substituted the words “lodged as aforesaid” ;</p> <p>(ii) for the words “such notices are lodged” there shall be substituted the words “such bills of sale are lodged” ; and</p> <p>(iii) for the words “any notice lodged” there shall be substituted the words “any bill of sale lodged” ;</p> <p>(c) In section one hundred and thirty-three, for the words “specified in any such notice” there shall be substituted the words “lodged as hereinbefore provided” ;</p> <p>(d) In section one hundred and thirty-four, for the words “in such notice mentioned may, at any time within fourteen days from the day on which notice is lodged, enter a caveat against the filing of the bill of sale specified in the notice” there shall be substituted the words “of any bill of sale lodged as aforesaid may, at any time within fourteen days from the date of lodging the same, enter a caveat against the filing of such bill of sale” ;</p> <p>(e) In section one hundred and thirty five, for the words “grantor mentioned in the notice at the address specified in the notice” there shall be substituted the words “grantor of the bill of sale at the address stated in the bill of sale as the</p>

SCHEDULE—continued.

Number of Act.	Title of Act.	Extent of Repeal or Amendment.
No. 2672— <i>continued.</i>	<i>Instruments Act</i> 1915 — <i>con-</i> <i>tinued.</i>	<p>address to which notices of caveats under this Part of this Act may be posted”;</p> <p>(f) In section one hundred and thirty-six, for the words “that no bill of sale shall be filed in pursuance of the notice mentioned in the caveat” there shall be substituted the words “the bill of sale shall not be filed”;</p> <p>(g) The Fifth Schedule as amended by the <i>Instruments Act</i> 1916 shall be repealed;</p> <p>(h) In the Sixth Schedule—</p> <p>(i) for the words “<i>business of grantor or grantors as described in his or their notice</i>” there shall be substituted the words “<i>business and residence of grantor or grantors as set forth in the bill of sale made or given by him or them and lodged with the Registrar-General</i>”;</p> <p>(ii) for the expression “any bill of sale in pursuance of the notice given by the said lodged” there shall be substituted the expression “the bill of sale made or given by the said and lodged with the Registrar-General”;</p> <p>and</p> <p>(i) In the Seventh Schedule, for the expression “specified in the notice of [<i>name of grantor or grantors</i>] of [<i>address of grantor or grantors</i>] lodged” there shall be substituted the expression “made or given by [<i>name of grantor or grantors</i>] of [<i>address of grantor or grantors</i>] and lodged with the Registrar-General.”</p>
No. 2857 ..	<i>Instruments Act</i> 1916	The whole Act shall be repealed.