



Bills of Sale Regulation 1998

under the

Bills of Sale Act 1898

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Bills of Sale Act 1898*.

R S Amery

Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to repeal and remake, with no significant changes of substance, the provisions of the *Bills of Sale Regulation 1992*. The new Regulation comprises matter of a machinery nature, namely:

- (a) prescribing when an advertisement for the sale of goods under a bill of sale is to be published and what particulars such an advertisement is to contain. and
- (b) prescribing various forms for use in connection with the *Bills of Sale Act 1898*.

This Regulation is made under the *Bills of Sale Act 1898*, including sections 4C, 5G, 5J, 13A and 15 (the general regulation making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Bills of Sale Regulation 1998

1 Name of Regulation

This Regulation is the *Bills of Sale Regulation 1998*.

2 Commencement

This Regulation commences on 1 June 1998.

3 Definitions

(1) In this Regulation:

the Act means the *Bills of Sale Act 1898*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 1.

4 Advertisement for sale of goods under a bill of sale: section 4C

For the purposes of section 4C (2) (c) (ii) of the Act:

(a) the prescribed times for the publication of the advertisements concerned are:

- (i) at least once on a day occurring at least 10 days, but not more than 21 days, before the date fixed for the auction or for the closing of tenders, and
- (ii) at least once on a day occurring not more than 7 days before the date fixed for the auction or for the closing of tenders, and

(b) the prescribed particulars to be contained in the advertisements are the following:

- (i) a brief description of the personal chattels to be sold,
- (ii) a statement that the sale is to be by way of public auction or by way of tender,
- (iii) the address of the place where the auction will be held or the tenders received,
- (iv) the date and time fixed for the holding of the auction or for the closing of tenders.

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Clause 5 Bills of Sale Regulation 1998

5 Caveat against a trader's bill of sale: section 5G

A caveat against the registration of a trader's bill of sale is to be in Form 1.

6 Withdrawal of caveat against a trader's bill of sale: section 5J

A withdrawal of caveat against the registration of a trader's bill of sale is to be in Form 2.

7 Memorandum of amount due under a bill of sale: section 13A

A memorandum of the amount due under a bill of sale is to be in Form 3.

8 Repeal

- (1) The *Bills of Sale Regulation 1992* is repealed.
- (2) Any act, matter or thing that had effect under the *Bills of Sale Regulation 1992* immediately before the commencement of this Regulation is taken to have effect under this Regulation.

Schedule 1 Forms

Form 1 Caveat against a trader's bill of sale

(Clause 5)

(Bills of Sale Act 1898, section 5G)

Take notice that I, 1
 being an unsecured creditor of 2
 in respect of an unsecured debt of \$..... due to me for 3
 forbid the registration of the trader's bill of sale 4
 made or given by⁵ and lodged with the
 Registrar-General on and I appoint 6
 as the place at which notices and proceedings relating to this caveat may be served on
 me.

.....
 (Signature)

Date:

Notes:

- 1 Insert name and address of caveator.
- 2 Insert name and address of grantor of the trader's bill of sale.
- 3 Insert nature of debt.
- 4 Insert Registrar-General's lodgment number for the trader's bill of sale.
- 5 Insert name of grantor of the trader's bill of sale, as shown in the bill of sale.
- 6 Insert an address in Sydney.

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Schedule 1 Forms

Form 2 Withdrawal of caveat against trader's bill of sale

(Clause 6)

(Bills of Sale Act 1898, section 5J)

I, 1
withdraw the caveat (.....) 2
lodged by me on , against the registration of the
trader's bill of sale)³ made or given by
..... 4
and lodged with the Registrar-General on

.....
(Signature)

Date:

Notes:

- 1 Insert name and address of caveator.
- 2 Insert Registrar-General's registered number for the caveat.
- 3 Insert Registrar-General's lodgment number for the trader's bill of sale.
- 4 Insert name and address of grantor of the trader's bill of sale, as shown in the bill of sale.

Form 3 Memorandum of amount due under a bill of sale

(Clause 6)

(Bills of Sale Act 1898, section 13A)

I,¹
 being the person entitled to give a receipt for the money secured by the bill of sale
 (.....)² made or given by³
 and lodged with the Registrar-General on, state that the
 amount due under the bill of sale at the date of signing this memorandum is

.....
 (Signature)

Date:.....

Witness:

Address:

.....

Notes:

- 1 Insert name and address of person entitled to give receipt.
- 2 Insert Registrar-General's lodgment number for the bill of sale.
- 3 Insert name and address of grantor of the bill of sale, as shown in the bill of sale.