

1992—No. 608

**BILLS OF SALE ACT 1898—REGULATION**

(Bills of Sale Regulation 1992)

NEW SOUTH WALES



*[Published in Gazette No. 140 of 27 November 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Bills of Sale Act 1898, has been pleased to make the Regulation set forth hereunder.

GARRY WEST,  
Minister for Conservation and Land Management.

**Citation**

1. This Regulation may be cited as the Bills of Sale Regulation 1992.

**Commencement**

2. This Regulation commences on 27th November, 1992.

**Definitions**

3. (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.

**Repeal**

4. The Bills of Sale Regulation is repealed.

**Sec. 4C: advertisement for sale of goods under a bill of sale**

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

- (a) the prescribed times for the publication of the advertisements concerned are:
  - 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
  - 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:
  - a brief description of the personal chattels to be sold;
  - a statement that the sale is to be by way of public auction or by way of tender;
  - the address of the place where the auction will be held or the tenders received;
  - the date and time fixed for the holding of the auction or for the closing of tenders.

**Sec. 5G: caveat against a trader's bill of sale**

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

**Sec. 5J: withdrawal of caveat against a trader's bill of sale**

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

**Sec. 13A: memorandum of amount due under a bill of sale**

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

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**SCHEDULE 1—FORMS**
**Form 1**

(Cl. 6)

**CAVEAT AGAINST A TRADER'S BILL OF SALE****(Bills of Sale Act 1898, section 5G)**

Take notice that I, .....<sup>1</sup>,  
 being an unsecured creditor of .....<sup>2</sup>  
 in respect of an unsecured debt of \$ ..... due to me for .....<sup>3</sup>  
 forbid the registration of the trader's bill of sale (.....)<sup>4</sup> made or given by  
 .....<sup>5</sup> and lodged with the  
 Registrar-General on ....., and I appoint .....<sup>6</sup>  
 as the place at which notices and proceedings relating to this caveat may be served on  
 me.

.....  
 (Signature)

Date: .....

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**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 Register-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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## Form 2

(Cl. 7)

**WITHDRAWAL OF CAVEAT AGAINST TRADER'S BILL OF SALE**  
**(Bills of Sale Act 1898, section 5J)**

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

.....  
 (Signature)

Date: .....

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NOTES:

1. Insert name and address of caveator.
2. Insert Register-General's registered number for the caveat.
3. Insert Register-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

(Cl. 8)

**MEMORANDUM OF AMOUNT DUE UNDER A BILL OF SALE**  
**(Bills of Sale Act 1898, section 13A)**

I, .....<sup>1</sup>,  
 being the person entitled to give a receipt for the money secured by the bill of sale  
 .....<sup>2</sup> made or given by .....<sup>3</sup>  
 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 Register-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.

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SCHEDULE 1—FORMS

**EXPLANATORY NOTE**

The object of this Regulation is to repeal and remake the Bills of Sale Regulation. The new Regulation deals with matters of a machinery nature:

- (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 in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.

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