CONSUMER PROTECTION

CP301

Disposal of Uncollected Goods Act 1970

Disposal of Uncollected Goods Amendment Regulations 2017

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Disposal of Uncollected Goods Amendment Regulations 2017*.

2. Commencement

These regulations come into operation as follows —

(a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;

(b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Disposal of Uncollected Goods Regulations 1971*.

4. Regulation 3 amended

In regulation 3 delete "First Schedule." and insert:

Schedule 1.

5. Regulation 4 amended

In regulation 4(1) delete "Second Schedule" and insert:

Schedule 2

6. Regulation 6 amended

In regulation 6 delete "Clerk of the court" and insert:

Registrar

7. First Schedule heading replaced

Delete the heading to the First Schedule and insert:

Schedule 1

8. Second Schedule heading replaced

Delete the heading to the Second Schedule and insert:

Schedule 2

9. Second Schedule amended

(1) In the Second Schedule delete Forms 1 to 10 and the references before each form and insert:

Form 1

Disposal of Uncollected Goods Act 1970 s. 9(1)(a) or 12(1) or 19(2)(a) and 26(1)(a), (2) and (3) **Notice under Part[1] that goods are ready for redelivery**			
To [*name*] of [*address*], Bailor			
Notice	1. The following goods [*give sufficient description of goods*] situated at [*place*] are now ready for redelivery for you. 2. The amount of $ [*insert amount*] is due by you for charges. This amount is calculated as follows: [*insert details*]. 3. Unless you take redelivery of the goods or give directions for their redelivery, or give notice in writing to [*insert name and address of the person, firm or company with whom the goods were bailed*] (Bailee) that you dispute all or any of the matters contained in this notice, the goods will be sold or otherwise disposed of in accordance with the Act.		
Signature of Bailee		Date	
[1] Indicate under which Part of the Act the notice is issued.			

Form 2

Disposal of Uncollected Goods Act 1970 s. 9(1)(b) or 12(1)(b) and (c) and 26(1)(b), (2) and (4) **Notice under Part[1] of intention to sell or otherwise dispose of goods**			
To [*name*] of [*address*], Bailor			
Notice	1. You were given notice on [*date*] that the following goods [*give sufficient description of goods*] situated at [*place*] were ready for redelivery. 2. The goods are *prescribed goods to which Part II of the Act applies/*goods to the value of $[*state estimated value of goods*] to which Part III of the Act applies. (* Delete as applicable) 3. It is intended to sell or dispose of the goods in accordance with the Act unless not more than 1 month from the date of giving of this notice you either — (a) take redelivery of the goods or give directions for their redelivery; or (b) give notice in writing to [*insert name and address of person, firm or company with whom the goods were bailed*] (Bailee) that *you deny the goods are prescribed goods/*you claim the goods exceed $3 500 in value. (* Delete as applicable)		
Signature of Bailee		Date	
Note: Copies of this notice must also be sent to the Commissioner of Police and to every other person (if any) whom the Bailee knows or claims to have an interest in the goods.			
[1] Indicate under which Part of the Act the notice is issued.			

Form 3

Disposal of Uncollected Goods Act 1970 s. 17(1) and 26(1), (2) and (6) **Notice under Part V to treat dispute as determined**			
To [*name*] of [*address*], Bailor			
Notice	1. With reference to the following goods [*give sufficient description of goods*] a dispute arose on [*date*] between you and the Bailee mentioned below, [*give nature of dispute and manner in which it arose*]. 2. The goods are available for redelivery to you at [*address*]. 3. The goods will be sold or otherwise disposed of in accordance with the Act unless not more than 1 month from the date of the giving of this notice you either — (a) take redelivery of the goods or give directions for their redelivery; or (b) give notice in writing to [*insert name and address of person, firm or company with whom the goods were bailed*] (Bailee) that you object to this dispute being treated as determined.		
Signature of Bailee		Date	

Form 4

Disposal of Uncollected Goods Act 1970 s. 19(1), (2)(b) and (c) and 26(1)(c), (2) and (5) **Notice under Part VI of intention to apply to Court for order to sell or otherwise dispose of goods valued in excess of $3 500**			
To [*name*] of [*address*], Bailor			
Notice	1. You were given notice on [*date*] that the following goods [*give sufficient description of goods*] situated at [*place*] were ready for redelivery. 2. *A dispute relating to the goods was determined on [*date*] in the following manner [*give full details*]. (* Delete if there was no dispute) 3. Unless not more than 1 month after the date of the giving of this notice you either take redelivery of the goods or give directions for their redelivery, [*insert name and address of person, firm or company with whom the goods were bailed*] (Bailee) intends making an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.		
Signature of Bailee		Date	
Note: Copies of this notice must also be sent to the Commissioner of Police and to every other person (if any) whom the Bailee knows has or claims to have an interest in the goods.			

Form 5

Disposal of Uncollected Goods Act 1970
s. 20(a), 21(b) and (c) and 26(1)(c), (2) and (5)

Notice under Part VII of intention to apply to Court for order to dispose of goods in possession otherwise than under bailment in course of business where s. 20(a) applies

To	The Commissioner of Police
and To[1]	[*name*]

Notice	1. The following goods [*give sufficient description of goods*] came into possession of [*name*] of [*address*] in the following circumstances [*give full details*][2]. 2. It is intended to make an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.		
Signature of person in possession of goods		Date	

[1] Copies of this notice must also be sent to every other person (if any) whom the person in possession knows has or claims to have an interest in the goods.

[2] Include any information known to the person in possession concerning the identity or whereabouts of the person through whom the person came into such possession.

Form 6

Disposal of Uncollected Goods Act 1970
s. 20(b), 21 and 26(1)(c), (2) and (5)

Notice under Part VII of intention to apply to Court to dispose of goods in possession otherwise than under bailment in course of business where s. 20(b) applies

To [*name*] of [*address*] (Person through whom possession was acquired).

Notice	1. On [*date*], at [*place*] the following goods [*give sufficient description of goods*] now situated at [*place*] came, through you, into possession of [*insert name and address of person in possession of goods*] under the following circumstances [*give full details*]. 2. Unless not more than 1 month from the date of the giving of this notice you relieve the abovementioned person of the goods, I intend to make an application to the Court for an order to sell or otherwise dispose of them in accordance with the Act.		
Signature of person in possession of goods		Date	

Note: Copies of this notice must also be sent to the Commissioner of Police and to every other person (if any) the person in possession knows or claims to have an interest in the goods.

Form 7

<table>
<tr><td colspan="5">Magistrates Court of Western Australia (Civil jurisdiction)</td></tr>
<tr><td colspan="3">Disposal of Uncollected Goods Act 1970
s. 17(3)
Application under Part V for summary determination of dispute</td><td colspan="2">Magistrates Court at [place]
No:</td></tr>
<tr><td colspan="5">Between</td></tr>
<tr><td rowspan="5">Applicant</td><td>Full name</td><td colspan="3"></td></tr>
<tr><td rowspan="2">Address</td><td colspan="3"></td></tr>
<tr><td></td><td>Postcode</td><td></td></tr>
<tr><td>Telephone</td><td colspan="3"></td></tr>
<tr><td>Email address</td><td colspan="3"></td></tr>
<tr><td colspan="5">and</td></tr>
<tr><td rowspan="5">Respondent</td><td>Full name</td><td colspan="3"></td></tr>
<tr><td rowspan="2">Address</td><td colspan="3"></td></tr>
<tr><td></td><td>Postcode</td><td></td></tr>
<tr><td>Telephone</td><td colspan="3"></td></tr>
<tr><td>Email address</td><td colspan="3"></td></tr>
<tr><td>Application</td><td colspan="4">1. On [date], at [place] a dispute arose between the applicant and the respondent concerning goods in the possession of [insert name of applicant or respondent, as case may be] in the following circumstances [give full details].
2. The applicant applies for the summary determination of that dispute.</td></tr>
<tr><td>Signature of applicant or lawyer</td><td colspan="2"></td><td>Date</td><td></td></tr>
<tr><td colspan="5">This application will be heard in the Magistrates Court at [place] at [time] on [date].</td></tr>
<tr><td colspan="3">Registrar</td><td colspan="2"></td></tr>
<tr><td>To</td><td colspan="4">The Respondent</td></tr>
<tr><td>and To[1]</td><td colspan="4">[name]</td></tr>
<tr><td colspan="5">If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence.</td></tr>
<tr><td colspan="5">[1] A copy of this application must be served on the respondent and any other person appearing to be affected by the application.</td></tr>
</table>

Form 8

<table>
<tr><td colspan="2">Magistrates Court of Western Australia (Civil jurisdiction)</td></tr>
<tr><td>Disposal of Uncollected Goods Act 1970
s. 19(1)
Application under Part VI for order to sell or otherwise dispose of goods valued in excess of $3 500</td><td>Magistrates Court at [place]
No:</td></tr>
</table>

Between					
Applicant	Full name				
	Address				
			Postcode		
	Telephone				
	Email address				
and					
Respondent	Full name				
	Address				
			Postcode		
	Telephone				
	Email address				
Application	1. On [*date*] at [*place*], the respondent entrusted to the applicant the following [*give sufficient description of goods*]. 2. The value of the goods exceeds $3 500. 3. The goods are ready for redelivery to the respondent who has failed to take delivery of them or to give directions for their redelivery despite notice to do so. 4. The applicant applies for an order to sell or otherwise dispose of the goods in accordance with the Act.				
Signature of applicant or lawyer		Date			
This application will be heard in the Magistrates Court at [*place*] at [*time*] on [*date*].					
Registrar					
To	The Respondent				
and To[1]	[*name*]				
If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence.					
[1] A copy of this application must be served on the respondent and any other person appearing to be affected by the application.					

Form 9

Magistrates Court of Western Australia (Civil jurisdiction)					
Disposal of Uncollected Goods Act 1970 s. 20(a) **Application under Part VII for order to dispose of goods in possession otherwise than under bailment in course of business where s. 20(a) applies**			Magistrates Court at [*place*] No:		
In the matter of an application to dispose of goods under s. 20(a) of the Act					
Applicant	Full name				
	Address				
			Postcode		
	Telephone				
	Email address				

Application	1. On [*date*] at [*place*] the applicant came into possession of the following goods [*give sufficient description of goods*] in the following circumstances [*give full details*]. 2. The applicant is unaware of the identity or whereabouts of the person through whom the applicant came into possession of the goods. 3. The applicant applies for an order to sell or otherwise dispose of the goods in accordance with the Act.		
Signature of applicant or lawyer		Date	
Note: It is not intended to serve this application on any person other than[1]:			
This application will be heard in the Magistrates Court at [*place*] at [*time*] on [*date*].			
Registrar			
To[1]			
If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence.			
[1] A copy of this application must be served on any person appearing to be affected by the application.			

Form 10

Magistrates Court of Western Australia (Civil jurisdiction)				
Disposal of Uncollected Goods Act 1970 s. 20(b) **Application under Part VII for order to dispose of goods in possession otherwise than under bailment in course of business where s. 20(b) applies**			Magistrates Court at [*place*] No:	
Between				
Applicant	Full name			
	Address			
			Postcode	
	Telephone			
	Email address			
and				
Respondent	Full name			
	Address			
			Postcode	
	Telephone			
	Email address			
Application	1. On [*date*] at [*place*], the applicant came into possession of the following goods [*give sufficient description of goods*] through the respondent, under the following circumstances [*give full details*]. 2. The respondent has failed to relieve the applicant of the possession of the goods despite notice to do so. 3. The applicant applies for an order to sell or otherwise dispose of the goods in accordance with the Act.			

Signature of applicant or lawyer		Date	
This application will be heard in the Magistrates Court at [*place*] at [*time*] on [*date*].			
Registrar			
To	The Respondent		
and To[1]	[*name*]		
If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence.			
[1] A copy of this application must be served on the respondent and any other person appearing to be affected by the application.			

(2) Delete Second Schedule Form 11 and the reference before that form.

(3) Delete Second Schedule Forms 12 to 14 and the references before each form and insert:

Form 12

Magistrates Court of Western Australia (Civil jurisdiction)				
Disposal of Uncollected Goods Act 1970 s. 27 **Certificate as to making and contents of order under Act**			Magistrates Court at [*place*] No:	
Between[1]				
Applicant	Full name			
	Address			
			Postcode	
	Telephone			
	Email address			
and[1]				
Respondent[1]	Full name			
	Address			
			Postcode	
	Telephone			
	Email address			
Certificate	I certify that at a sitting of the [*place*] Magistrates Court, held at [*place*] on the [*date*], the Court heard and determined the application of [*name*] for [*give details*] and made the following order [*give details*].			
Registrar				
[1] Delete if application under s. 20(a).				

Form 13

Disposal of Uncollected Goods Act 1970 s. 14(4) **Record of goods disposed of not under Court order**	
Name of Bailee	
Name of Bailor	

Description of goods	
How disposed of	
Date and place of disposal	
Name and address of — 1. Person who conducted sale; or 2. Donee; or 3. Person who destroyed goods	
Where goods sold	
Gross proceeds of sale	
Specification of each item of Bailee's charges	
Total amount of charges paid to Bailor	
Balance standing to Bailor's credit	

Form 14

Disposal of Uncollected Goods Act 1970 s. 25(2) **Record of goods disposed of under Court order**

Name of Bailee	
Name of Bailor	
Description of goods	
Date and Ref. No. of Court order and name of parties	
How disposed of	
Date and place of disposal	
Name and address of — 1. Person who conducted sale; or 2. Donee; or 3. Person who destroyed goods	
Where goods sold	
Gross proceeds of sale	
Details of Bailee's charges approved by Court under s. 22(2) of Act	
Details of subsidiary charges levied in accordance with s. 24 of Act	

Details of costs referred to in s. 25(1)(c) and awarded to Bailee	
Balance standing to Bailor's or Owner's credit	

K. H. ANDREWS, Clerk of the Executive Council.