

**BILLS OF SALE.**

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**No. 33 of 1966.**

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**AN ACT to amend the Bills of Sale Act, 1899-1963.**

*[Assented to 31st October, 1966.]*

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Bills of Sale Act Amendment Act, 1966*.

(2) In this Act the Bills of Sale Act, 1899-1963, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Bills of Sale Act, 1899-1966.

Short title  
and citation.  
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Reprinted  
Acts.  
Approved for  
reprint 12th  
May, 1958 as  
amended by  
Acts Nos. 40  
of 1962 and  
14 of 1963.

Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

S. 5 am.

3. Section five of the principal Act is amended by adding after the word, "grain" in line three of the interpretation, "Crops", the passage, ", and vegetables, cotton, lucerne and clovers".

S. 13A added.

4. The principal Act is amended by adding after section thirteen a section as follows—

Power of  
Registrar  
to extend  
time for  
registration  
or renewal  
of registra-  
tion of a Bill  
of Sale.

13A. (1) Where a bill of sale is not presented for registration or registered within the time required by or prescribed under this Act, or an affidavit of renewal of the registration of a registered bill of sale is not duly filed within the time so required or prescribed if—

- (a) an application accompanied by an affidavit verifying the facts of the case is made to the Registrar by the grantee of the bill of sale or any other person acting on his behalf, requesting that the relevant period of time so required or prescribed be extended; and
- (b) the Registrar is satisfied that the omission to present for registration, register or renew the registration of the bill of sale was unavoidable, accidental or due to inadvertence,

the Registrar may, in his discretion, at any time not later than three months after the time the bill of sale should have been presented for registration or the registration thereof should have been effected or renewed, grant the application and extend the lastmentioned time for such period not exceeding seven days after the application is granted, as the Registrar thinks fit.

(2) Where the Registrar, refuses an application under this section, the applicant may apply in manner prescribed to a Judge under subsection (3) of this section.

(3) On an application made under subsection (2) of this section to a Judge, the Judge on being satisfied that the omission to present for registration or register the bill of sale or file an affidavit of renewal thereof within the time required by or prescribed under this Act was unavoidable, accidental or due to inadvertence, may on such terms and conditions as he thinks fit, order that the time for presenting the bill of sale for registration, effecting the registration of the bill of sale or filing the affidavit of renewal thereof shall be extended.

(4) The Registrar to whom an application is made under subsection (1) of this section may, in any case of doubt or difficulty arising in determining the application, refer the application by motion to a Judge for determination and the Judge may determine the application under section thirteen of this Act, as though the application had been made to him under that section in the first instance.

(5) Where a bill of sale is registered or the registration thereof is renewed after the time required by or prescribed under this Act has been extended under this section or section thirteen of this Act, the registration of the bill of sale or renewal thereof shall be without prejudice to the rights, if any, of third parties that are acquired between the time—

(a) the bill of sale should have been presented for registration or the affidavit of renewal duly filed, as required by or prescribed under this Act; and

(b) the bill of sale is presented for registration or the registration thereof renewed.

(6) Subject to subsection (5) of this section, nothing in this section shall be construed as taking away or in any way derogating from or diminishing any power or jurisdiction conferred on a Judge by section thirteen of this Act. .

S. 17P  
amended.

5. Section seventeen P of the principal Act is amended—

- (a) by substituting for the words, “or twine” in line ten, the passage, “, twine or materials for spraying”;
- (b) by substituting for the passage, “and harvesting such crops,” in line eleven the words, “harvesting or spraying those crops or to secure the cost of spraying those crops”.

Thirteenth  
Schedule  
amended.

6. The Thirteenth Schedule to the principal Act is amended by adding at the end of the Schedule a passage as follows—

On the lodging of an application to the Registrar under Section 13A of this Act including the affidavit in support of the application ..... \$4.00.