

Western Australia

Chattel Securities Regulations 1988

As at 01 Jul 2005

Version 01-d0-03

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Chattel Securities Regulations 1988

1. Citation

These regulations may be cited as the *Chattel Securities Regulations 1988*¹.

2. Commencement

These regulations shall come into operation on 29 August 1988.

3. Interpretation

In these regulations unless the context otherwise requires —

“**account customer**” means a person who is permitted by the Commissioner to pay prescribed fees on account;

“**financier’s reference number**” means a number (comprising letters or numbers or both) in such format as the Commissioner approves for the purpose assigned by a creditor to identify the creditor’s interest in goods;

“**hull identification number**” has the meaning given in regulation 45A(2) of the *Navigable Waters Regulations*;

“**interest**” means a security interest or other interest in relation to goods to which Part III of the Act applies;

“**pleasure vessel**” has the meaning given in section 98(1) of the *Western Australian Marine Act 1982*;

“**registration number**” means —

- (a) the identifying number on the number plate issued in relation to goods under the —

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- (i) *Road Traffic Act 1974*;
- (ii) *Taxi Act 1994*; or
- (iii) *Interstate Road Transport Act 1985* of the Commonwealth;

or

- (b) a registration number allotted to a pleasure vessel under the *Navigable Waters Regulations*, whichever applies;

“serial number” means the number stamped on an item of farm machinery for the purpose of identifying the whole of that item of farm machinery;

“vehicle identification number” means an identification number marked on a motor vehicle in accordance with rule 52 of the *Road Traffic (Vehicle Standards) Rules 2002*;

“vessel” has the meaning given in section 3(1) of the *Western Australian Marine Act 1982*.

[Regulation 3 amended in Gazette 20 January 1989 p.132; 26 January 1990 p.654; 29 October 1996 p.5720; 8 May 2001 p.2270; 14 Feb 2003 p. 467.]

4. The register (s.14)

- (1) The register, in relation to goods described in section 13(a), (b) and (c) of the Act, and in relation to farm machinery prescribed under regulation 8(1), shall consist of a computerised record of goods in respect of which applications have been made for the registration of interests under Part III of the Act and setting out in respect of each item of goods —
 - (a) the name and address of the person applying to be registered as having an interest in the goods;
 - (b) in the case of an application by an account customer — the account number;
 - (c) the motor vehicle or machinery type;

- (d) where applicable, the registration number of the goods or otherwise the model number of the goods;
 - (e) the make of the goods;
 - (f) the body type of the goods;
 - (g) the year of manufacture of the goods;
 - (h) the engine number of the goods;
 - (i)
 - (i) in the case of a motor vehicle manufactured before 1 January 1989, the chassis number of the vehicle, or if no chassis number has been allocated, then the vehicle identification number for that vehicle;
 - (ii) in the case of a motor vehicle manufactured on or after 1 January 1989, the vehicle identification number for that vehicle, or if no vehicle identification number has been allocated, then the chassis number of that vehicle; or
 - (iii) in the case of farm machinery referred to in regulation 8(1), the serial number for that farm machinery, or if no serial number has been allocated, then the chassis number of that farm machinery;
 - (j) the financier's reference number for the interest;
 - (k) the type of interest;
 - (l) the date on which the interest will cease; and
 - (m) the time and date of recording the interest in the register.
- (2) The register, in relation to pleasure vessels prescribed under regulation 8(2), shall consist of a computerised record of vessels in respect of which applications have been made for the registration of interests under Part III of the Act and setting out in respect of each vessel —
- (a) the name and address of the person applying to be registered as having an interest in the vessel;

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- (b) in the case of an application by an account customer — the account number;
- (c) the registration number allotted to the vessel by the department principally assisting the Minister in the administration of the *Western Australian Marine Act 1982*;
- (d) the hull identification number of the vessel;
- (e) the hull type of the vessel;
- (f) the name of the manufacturer of the hull of the vessel;
- (g) the overall length of the vessel expressed in centimetres;
- (h) the year the vessel was built;
- (i) the name of the manufacturer of any propulsion engine fitted to the vessel, including any auxiliary engine;
- (j) the engine number of any propulsion engine fitted to the vessel;
- (k) the financier's reference number for the interest;
- (l) the type of interest;
- (m) the date on which the interest will cease; and
- (n) the time and date of recording the interest in the register.

[Regulation 4 amended in Gazette 20 January 1989 p.132; 26 January 1990 p.654; 29 October 1996 p.5720; 8 May 2001 pp.2270-1.]

5. Time of making application

An application is deemed to have been made when the particulars to be entered in the register have been correctly provided and the application is accepted at the office of the Register of Encumbered Vehicles.

[Regulation 5 amended in Gazette 26 January 1990 p.654.]

6. Prescribed fees

- (1) The fees in Schedule 1 are the prescribed fees payable in respect of the matters specified in that Schedule.
- (2) If an application made under section 15, 20 or 23 of the Act relates to more than one item of goods, the relevant prescribed fee is payable in respect of each item of goods.
- (3) Subject to subregulation (4), the prescribed time for paying the prescribed fee in respect of an application made under section 15, 20 or 23 of the Act is the time when the application is made.
- (4) A person who is an account customer shall pay prescribed fees in accordance with accounts rendered to the person from time to time.

[Regulation 6 inserted in Gazette 29 October 1996 p.5720.]

7. Prescribed changes (s.21)

For the purposes of section 21 of the Act the following changes of particulars are prescribed changes —

- (a) a change in the particulars entered in the register in order to correct a clerical error;
- (b) a change in the registration number effected in accordance with the —
 - (i) *Road Traffic Act 1974*;
 - (ia) *Navigable Waters Regulations*;
 - (ii) *Taxi-cars Control Act 1985*²; or
 - (iii) *Interstate Road Transport Act 1985* of the Commonwealth,whichever applies; and
- (c) a change directed to be made by order of a court of competent jurisdiction.

[Regulation 7 amended in Gazette 8 May 2001 p.2271.]

8. Prescribed goods (s.13)

(1) Farm machinery that —

- (a) is not and has not been licensed under the *Road Traffic Act 1974*;
- (b) has been assigned a chassis or serial number, an engine number and a model number;
- (c) has motive power of its own;
- (d) has provision for a person to control the machinery by being seated in or on the machinery;
- (e) is not —
 - (i) a boat in respect of which a boat license has been or is to be issued under the *Fisheries Act 1905*³;
or
 - (ii) an implement, apparatus or device for taking or facilitating the taking of fish under a professional fisherman's licence issued under the *Fisheries Act 1905*³,

is prescribed for the purposes of section 13(d) of the Act.

(2) Pleasure vessels that —

- (a) are registered under section 45B of the *Navigable Waters Regulations*;
- (b) have a hull identification number affixed to the hull in accordance with Part VA of the *Navigable Waters Regulations*; and
- (c) are not registered in a register maintained under the *Shipping Registration Act 1981* of the Commonwealth,

are prescribed as registrable goods for the purposes of section 13(d) of the Act.

*[Regulation 8 inserted in Gazette 26 January 1990 p.655;
amended in Gazette 8 May 2001 p.2272.]*

Schedule 1 — Prescribed fees

[r. 6]

- | | | |
|----|--------------------------------------------------------------------------------------------------------------|--------|
| 1. | Application under section 15 of the Act in relation to goods including goods prescribed under regulation 8 — | |
| | (a) if made using online entry or email | \$6.00 |
| | (b) if made in any other way | \$7.00 |
| 2. | Application under section 20 of the Act | \$2.00 |
| 3. | Application under section 23(1)(a) of the Act | \$5.00 |
| 4. | Application under section 23(1)(b) of the Act | \$3.00 |

[Schedule 1 inserted in Gazette 28 Jun 2005 p. 2906.]

Notes

- ¹ This is a compilation of the *Chattel Securities Regulations 1988* and includes the amendments made by the other written laws referred to in the following table.

Compilation Table

| Citation | Gazettal | Commencement |
|--------------------------------------------------------------|----------------------------|--------------------------------------------------------------|
| <i>Chattel Securities Regulations 1988</i> | 5 Aug 1988 pp. 2630-1 | 29 Aug 1988 |
| <i>Chattel Securities Amendment Regulations 1989</i> | 26 Jan 1990 pp. 654-5 | 16 Apr 1990 (see r. 2) |
| <i>Chattel Securities Amendment Regulations (No. 2) 1989</i> | 20 Jan 1989 p. 132 | 20 Jan 1989 |
| <i>Chattel Securities Amendment Regulations (No. 3) 1989</i> | 30 Jun 1989 p. 1975 | 1 Jul 1989 (see r. 2) |
| <i>Chattel Securities Amendment Regulations 1990</i> | 8 Aug 1990 p. 3819 | 8 Aug 1990 |
| <i>Chattel Securities Amendment Regulations (No. 2) 1990</i> | 1 Mar 1991 pp. 969-70 | 1 Mar 1991 |
| <i>Chattel Securities Amendment Regulations (No. 3) 1990</i> | 1 Mar 1991 p. 970 | 1 Mar 1991 |
| <i>Chattel Securities Amendment Regulations 1996</i> | 29 Oct 1996 pp. 5719-21 | 4 Nov 1996 (see r. 2 and <i>Gazette</i> 29 Oct 1996 p. 5715) |
| <i>Chattel Securities Amendment Regulations 2001</i> | 8 May 2001 pp. 2269-72 | 14 May 2001 (see r. 2) |
| <i>Chattel Securities Amendment Regulations 2002</i> | 14 Feb 2003 p. 467 | 14 Feb 2003 |
| <i>Chattel Securities Amendment Regulations 2003</i> | 27 Jun 2003 p. 2544 | 1 Jul 2003 (see r. 2) |
| <i>Chattel Securities Amendment Regulations 2005</i> | 28 Jun 2005 p. 2905-6 | 1 Jul 2005 (see r. 2) |

- ² *Taxi-cars Control Act 1985* repealed by the *Taxi Act 1994* (No. 83 of 1994).

- ³ *Fisheries Act 1905* repealed by the *Fish Resources Management Act 1994* (No. 53 of 1994).