



Western Australia

Disposal of Uncollected Goods Act 1970

Disposal of Uncollected Goods Regulations 1971

Disposal of Uncollected Goods Regulations 1971

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Defined terms

Disposal of Uncollected Goods Regulations 1971

1. Citation and commencement

- (1) These regulations may be cited as the *Disposal of Uncollected Goods Regulations 1971* ¹.
- (2) These regulations shall take effect on and from the date the *Disposal of Uncollected Goods Act 1970*, comes into operation ¹.

2. Interpretation

In these regulations unless the contrary intention appears —
Act means the *Disposal of Uncollected Goods Act 1970*;
Schedule means a Schedule to these regulations.

3. Prescribed goods

The goods to which Part II of the Act applies are those listed in the First Schedule.

4. Forms

- (1) The several forms set out in the Second Schedule are the prescribed forms for the respective purposes therein indicated.
- (2) Where a form is used under these regulations the particulars and matters referred to on the form shall be completed to the extent that they apply in the case in which the form is used.

5. Place for application

An application shall be made to the court nearest to the place where the goods the subject of the application were bailed or came into the possession of the applicant.

6. Filing application

On the filing of an application the Clerk of the court shall appoint a day and hour for the hearing of the application that allows copies of the application to be served on the respondent and all other persons appearing to be affected thereby at least 14 clear days before the day so appointed and shall endorse that day and hour on the application and all copies to be served.

7. Service of application

Copies of the application shall be served on the respondent and all other persons appearing to be affected thereby at least 14 clear days before the time fixed for hearing or within such lesser time as the court at the hearing may allow.

8. Hearing where person served is absent

If a person served with an application does not attend either in person or by his counsel or solicitor at the time and place fixed for the hearing of the application the court may make orders in his absence.

First Schedule

Batteries.

Bedding (including sleeping bags).

Bicycle and bicycle parts.

Books.

Cooking utensils (including electric).

Footwear.

Gardening tools (including mowers and sprinklers).

Household appliances (including barbecues, hair-clippers, portable hair-dryers, portable electric or gas stoves, shavers).

Household linen.

Leather goods.

Motor vehicle accessories.

Motor vehicle parts.

Radiograms.

Radios.

Record players.

Soft furnishings.

Spectacles.

Sports equipment.

Tape recorders.

Television sets.

Travel goods.

Typewriters (non-electric).

Wearing apparel (except furs).

Second Schedule

Second Schedule

[Sections 9(1)(a) or 12(1) or 19(2)(a), and 26(1)(a), (2) and (3)]

Form 1

Disposal of Uncollected Goods Act 1970

**NOTICE UNDER PART (1) THAT GOODS ARE READY
FOR REDELIVERY**

TO
of, bailor.

1. The following goods: (2)
.....
situated at
are now ready for redelivery to you.

2. The amount of \$..... is due by you for charges. This amount is
calculated as follows:
.....
.....

3. Unless you take redelivery of the goods or give directions for their redelivery,
or give notice in writing to (3) of
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.

..... (Signed)
Date Bailee

- (1) Indicate under which Part of the Act the notice is issued.
- (2) Give a sufficient description of the goods.
- (3) Insert name and address of the person, firm or company with whom the
goods were bailed.

[Sections 9(1)(b) or 12(1)(b) and (c) and 26(1)(b), (2) and (4)]

Form 2

Disposal of Uncollected Goods Act 1970

**NOTICE UNDER PART (1) OF INTENTION TO SELL OR
OTHERWISE DISPOSE OF GOODS**

TO
of, Bailor.

1. You were given notice on of 20..... that
the following goods: (2)
.....
situated at
were ready for redelivery.

2. These goods are prescribed goods to which Part II (4) of the
goods to the value of \$..... (3) to which Part III
abovementioned Act applies.

3. Unless not more than one month from the date of the giving of this notice
you —

- (a) take redelivery of the goods or give directions for their redelivery; or
- (b) give notice in writing to (5)
of, bailee
that you deny that the goods are prescribed goods (4) it is intended
you claim that the goods exceed \$300 in value
to sell or otherwise dispose of them in accordance with the Act.

..... (Signed)
Date Bailee

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.

- (1) Indicate under which part of the Act the notice is issued.
- (2) Give a sufficient description of the goods.
- (3) State estimated value of goods.
- (4) Strike out whichever is not applicable.

Second Schedule

- (5) Insert name and address of person, firm or company with whom the goods were bailed.

[Sections 17(1) and 26(1), (2) and (6)]

Form 3

Disposal of Uncollected Goods Act 1970

NOTICE UNDER PART V TO TREAT A DISPUTE AS DETERMINED

TO
of, Bailor.

1. With reference to the following goods: (1)
.....
a dispute arose on between you and the undermentioned bailee,
as under: (2)
.....

2. The goods are available for redelivery to you at
.....

3. Unless not more than one month from the date of the giving of this notice
you —

- (a) either take redelivery of the goods or give directions for their
redelivery; or
- (b) give notice in writing to (3) of
bailee, that you object to this dispute being treated as determined,

the goods will be sold or otherwise disposed of in accordance with the Act.

..... (Signed)
Date Bailee

- (1) Give a sufficient description of the goods.
- (2) Give the nature of the dispute and the manner in which it arose.
- (3) Insert name and address of the person, firm, or company with whom the
goods were bailed.

Second Schedule

[Sections 19(1), (2)(b) and (c) and 26(1)(c), (2) and (5)]

Form 4

Disposal of Uncollected Goods Act 1970

**NOTICE UNDER PART VI OF INTENTION TO APPLY TO COURT
FOR AN ORDER TO SELL OR OTHERWISE DISPOSE OF GOODS
VALUED IN EXCESS OF \$300**

TO.....
of, Bailor.

1. You were given notice on of 20..... that
the following goods: (1)
.....
situated at
were ready for redelivery.

2. (2) A dispute relating to the goods was determined on in the
following manner:
.....

3. Unless not more than one month after the date of the giving of this notice you
either take redelivery of the goods or give directions for their redelivery, (3)
..... of bailee, intends making an application
to the Court for an order to sell or otherwise dispose of them in accordance with
the Act.

..... (Signed)
Date Bailee

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.

-
- (1) Give a sufficient description of the goods.
 - (2) Strike out if there was no dispute.
 - (3) Insert name and address of the person, firm or company with whom the
goods were bailed.

[Sections 20(a), 21(b) and (c) and 26(1)(c), (2) and (5)]

Form 5

Disposal of Uncollected Goods Act 1970

**NOTICE UNDER PART VII OF INTENTION TO APPLY TO COURT
FOR AN ORDER TO DISPOSE OF GOODS IN POSSESSION
OTHERWISE THAN UNDER A BAILMENT IN THE COURSE OF A
BUSINESS, WHERE SECTION 20(a) APPLIES**

To The Commissioner of Police,

and To (1)

1. The following goods: (2).....

came into the possession of

of in the following
circumstances: (3)

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.

..... (Signed)
Date Person in possession of goods

- (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) Give a sufficient description of the goods.
- (3) Include any information known to the person in possession concerning the identity or whereabouts of the person through whom he came into such possession.

Second Schedule

[Sections 20(b), 21 and 26(1)(c), (2) and (5)]

Form 6

Disposal of Uncollected Goods Act 1970

**NOTICE UNDER PART VII OF INTENTION TO APPLY TO COURT
FOR AN ORDER TO DISPOSE OF GOODS IN POSSESSION
OTHERWISE THAN UNDER A BAILMENT IN THE COURSE OF A
BUSINESS, WHERE SECTION 20(b) APPLIES**

TO
of (Person through whom
possession was acquired).

1. On at the following goods (1)
.....
.....
now situated at
came, through you, into the possession of (2)
.....
of
under the following circumstances:
.....
.....

2. Unless not more than one month from the date of the giving of this notice you
relieve the above-named of possession of the goods, 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.

..... (Signed)
Date Person in possession of goods

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 has or claims
to have an interest in the goods.

-
- (1) Give a sufficient description of the goods.
(2) Insert name and address of the person in possession of the goods.

[Section 17(3)]

Form 7

Disposal of Uncollected Goods Act 1970

**APPLICATION UNDER PART V FOR SUMMARY DETERMINATION
OF A DISPUTE**

No.

In the Court of Petty Sessions
at

BETWEEN

..... }
of } Applicant

and

..... }
of } Respondent

1. On of 20....., at
a dispute arose between the applicant and the respondent concerning goods in
the possession of (1)
under the following circumstances:
.....
.....

2. The applicant hereby applies for a summary determination of that dispute.

Dated the day of 20.....

(Signed)
Applicant, or Applicant's Solicitor

This application will be heard in the Court of Petty Sessions at
at o'clock on the day of 20.....

.....
Clerk of Petty Sessions

Second Schedule

TO The Respondent }
and TO } (2)

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) Insert here “the applicant” or “the respondent”, as the case may be.
- (2) A copy of this application must be served on the respondent and any other person appearing to be affected by the application.

[Section 19(1)]

Form 8

Disposal of Uncollected Goods Act 1970

**APPLICATION UNDER PART VI FOR AN ORDER TO SELL OR
OTHERWISE DISPOSE OF GOODS VALUED IN EXCESS OF \$300**

No.

In the Court of Petty Sessions
at

BETWEEN

..... }
of } Applicant

and

..... }
of } Respondent

1. On the day of 20....., the respondent
entrusted to the applicant the following goods: (1)
.....
.....

2. The goods are of a value exceeding \$300.

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 hereby applies for an order to sell or otherwise dispose of the
goods in accordance with the Act.

Dated this day of 20.....

(Signed)
Applicant, or Applicant's Solicitor

This application will be heard in the Court of Petty Sessions at,
at o'clock on the day of, 20.....

.....

Second Schedule

Clerk of Petty Sessions

TO The Respondent
and TO } (2)

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) Give a sufficient description of the goods.
- (2) A copy of this application must be served on the respondent and any other person appearing to be affected by the application.

[Section 20(a)]

Form 9

Disposal of Uncollected Goods Act 1970

**APPLICATION UNDER PART VII OF THE ACT FOR AN ORDER TO
DISPOSE OF GOODS IN POSSESSION OTHERWISE THAN UNDER A
BAILMENT IN THE COURSE OF A BUSINESS, WHERE
SECTION 20(a) APPLIES**

No.

In the Court of Petty Sessions
at

In the matter of an application to dispose of goods under s. 20(a) of the Act.

..... }
of } Applicant

1. On the day of 20....., at
the applicant came into possession of the following goods: (1)
.....
under the following circumstances:
.....

2. The applicant is unaware of the identity or whereabouts of the person through
whom he 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.

Dated this day of 20.....

(Signed)
Applicant, or Applicant's Solicitor

NOTE: It is not intended to serve this application on any person other than: (2)..
.....

This application will be heard in, at
o'clock on the day of 20.....

.....
Clerk of Petty Sessions

Second Schedule

TO (2)

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) Give a sufficient description of the goods.
- (2) A copy of this application must be served on any person appearing to be affected by the application.

[Section 20(b)]

Form 10

Disposal of Uncollected Goods Act 1970

**APPLICATION UNDER PART VII FOR AN ORDER TO DISPOSE OF
GOODS IN POSSESSION OTHERWISE THAN UNDER A BAILMENT
IN THE COURSE OF A BUSINESS, WHERE SECTION 20(b) APPLIES**

No.

In the Court of Petty Sessions
at

BETWEEN

..... } Applicant
of

and

..... } Respondent
of

1. On the day of 20....., the applicant
came into possession of the following goods: (1)
.....
through the respondent, under the following circumstances:
.....
.....

2. The respondent has failed to relieve the applicant of the possession of the
goods despite notice to do so.

3. The applicant hereby applies for an order to sell or otherwise dispose of the
goods in accordance with the Act.

Dated this day of 20.....

(Signed)
Applicant, or Applicant's Solicitor

This application will be heard in the Court of Petty Sessions at
at o'clock, on the day of, 20.....
.....

Second Schedule

Clerk of Petty Sessions

TO The Respondent }
TO } (2)

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) Give a sufficient description of the goods.
- (2) A copy of this application must be served on the respondent and any other person appearing to be affected by the application.

[Section 32]

Form 11

ENDORSEMENT OF SERVICE

On the day of, 20....., at
I served the within-named
with a copy of the within application by delivering the copy to him personally
(or by leaving the copy for him with at
.....his last known place of abode).

(Signature)

(Date)

Second Schedule

[Section 27]

Form 12

Disposal of Uncollected Goods Act 1970

**CERTIFICATE AS TO THE MAKING AND CONTENTS OF AN
ORDER UNDER THE ACT**

No.

In the Court of Petty Sessions
at

BETWEEN (1)

..... }
of } Applicant

and (1)

..... }
of } Respondent (1)

I HEREBY CERTIFY that at a sitting of the Court of Petty
Sessions, held at on the day of
20....., the Court heard and determined the application of
of for
and made the following order:

.....
.....
.....
.....
.....
.....
.....

Dated the day of 20.....

.....
Clerk of Petty Sessions

(1) Strike out where application under section 20(a).

[Section 14(4)]

Form 13

Disposal of Uncollected Goods Act 1970

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 |
| | | | | | | | | |

Second Schedule

[Section 25(2)]

Form 14

*Disposal of Uncollected Goods Act 1970***RECORD OF GOODS DISPOSED OF PURSUANT TO A COURT ORDER**

Name of Bailee

| Description of goods | Date and Ref. No. of Court order and names 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 the Act | Details of costs referred to in s. 25(1)(c) and awarded to bailee | Balance standing to Bailor's or Owner's credit |
| | | | | | | | | | |

Second Schedule

| Name of bailor | |
|-------------------|--|
|-------------------|--|

Notes

- ¹ This is a reprint as at 13 February 2004 of the *Disposal of Uncollected Goods Regulations 1971*. The following table contains information about these regulations and any reprint.

Compilation table

| Citation | Gazettal | Commencement |
|---|---------------------------|--|
| <i>Disposal of Uncollected Goods Regulations 1971</i> | 10 Jun 1971 p. 1907-18 | 1 Aug 1971 (see r. 1(2) and <i>Gazette</i> 16 Jul 1971 p. 2555) |
| Reprint 1: The <i>Disposal of Uncollected Goods Regulations 1971</i> as at 13 Feb 2004 | | |

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

| Defined term | Provision(s) |
|---------------------|---------------------|
| Act..... | 2 |
| Schedule..... | 2 |