

## CHATELS TRANSFER AMENDMENT BILL.

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### MEMORANDUM.

ONE of the objects of this Bill is to prevent the inconvenience resulting from the fact that bills of sale may be registered at any office of the Supreme Court within the provincial district in which the chattels are situated. There are already two offices in Auckland and three in Wellington, and the tendency is towards a gradual increase in the number. As the law now stands it is necessary to search for bills of sale in every Supreme Court office in the provincial district. The practice is not unknown of registering such documents at an office remote from the place where the chattels are situated, for the purpose of avoiding publicity. This Bill prohibits registration except in one place (the chief town) in each of these districts. Under section 4 of the principal Act, however, Otago and Southland are treated as different provincial districts, and this provision remains unaffected by the Bill.

Clause 5 deals with unregistered bills of sale. These, as the law now stands, are invalid against creditors in bankruptcy or against execution creditors only if the chattels are still in the possession of the debtor at the time of the bankruptcy or execution. The grantee of a bill of sale, therefore, can evade the requirement of registration by taking possession of the goods at the last moment before bankruptcy or execution. The Bill provides that an unregistered instrument shall be invalid if the goods have been in the debtor's possession at any time within four months before the bankruptcy or execution, and after the expiry of the time allowed for registration.

Clause 6 repeals section 29 of the principal Act, this section being merely an accidental duplication (with variations) of section 79 (2) of the Bankruptcy Act, 1908. See *Williams v. Official Assignee* (27 N.Z. L.R. p. 898).

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## CHATTELS TRANSFER AMENDMENT.

### ANALYSIS.

Title.	
1. Short Title.	4. Saving.
2. Commencement of Act.	5. Section 16 of the principal Act amended.
3. Where instruments may be registered.	6. Repeal.

### A BILL INTITULED

AN ACT to amend the Chattels Transfer Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Chattels Transfer Amendment Act, 1909, and shall be read together with the Chattels Transfer Act, 1908 (hereinafter referred to as the principal Act). Short Title.
2. This Act shall come into operation on the first day of 10 January, nineteen hundred and *ten*. Commencement of Act.
3. Notwithstanding anything contained in section four of the principal Act, no instrument shall be registered in any provincial district in pursuance of that section, except with the Registrar whose office is situated within that district in one of the cities or 15 boroughs following, that is to say: Auckland, New Plymouth, Napier, Wellington, Nelson, Blenheim, Hokitika, Christchurch, Dunedin, and Invercargill. Where instruments may be registered.
4. Nothing in this Act shall affect the renewal of the registration of instruments registered before this Act comes into operation, or the 20 registration of a transfer of any such instrument. Saving.
5. (1.) Section sixteen of the principal Act is hereby amended by inserting, immediately before the words "the time of such bankruptcy" in subsection one, the words "or at any time within four months before."  
25 (2.) Every instrument executed before the commencement of this Act shall remain subject to the provisions of section sixteen of the principal Act in the same manner as if the foregoing amendment of that section had not been made. Section 16 of the principal Act amended.
6. Section twenty-nine of the principal Act is hereby repealed. Repeal.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1909.