

Bill No. 56 of 1952.

A BILL TO AMEND THE BILLS OF SALE ACT.

NOTE.

This Bill amends *The Bills of Sale Act*, being chapter 217 of the Revised Statutes of Alberta, 1942.

The Bills of Sale Act was amended in 1951 to provide for the central registration of bills of sale executed within the Province and comprising motor vehicles, in the office of the registration clerk in the Motor Vehicle Branch.

This Act is now amended to provide that bills of sale comprising aircraft or any oil well drilling equipment will likewise be registered in a central registry in the same manner as bills of sale comprising motor vehicles.

Section 2 is amended to make it clear that the proper officer for the registration of bills of sale comprising aircraft or any oil well drilling equipment is the registration clerk in the Motor Vehicle Branch. Motor Vehicle Branch is defined as meaning the Motor Vehicle Branch of the Department of the Provincial Government charged with the administration of *The Vehicles and Highway Traffic Act*.

Section 10a is amended. This section provides for the registration of bills of sale comprising motor vehicles in the office of the registration clerk of the Motor Vehicle Branch; and the amendment provides that bills of sale comprising aircraft or oil well drilling equipment will likewise be registered in that office.

Section 10b is amended to make this section conform with the amendments in section 2 and section 10a.

Section 13 deals with the bringing into the Province of chattels which are the subject of a mortgage executed at a time when they were situate without the Province. This section is struck out and a new section is substituted to provide that a bill of sale executed without the Province and comprising a motor vehicle, an aircraft or any oil well drilling equipment is to be registered in the office of the registration clerk of the Motor Vehicle Branch within twenty-one days after the motor vehicle, aircraft or oil well drilling equipment, the subject of the bill of sale, is permanently removed into the Province.

This Bill comes into force upon assent.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 56 of 1952.

An Act to amend The Bills of Sale Act.

(Assented to , 1952.)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Bills of Sale Act*, being chapter 217 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended:

Section 2
amended

- (a) by adding immediately after the words "a motor vehicle" where they occur in clause (h), the words " , an aircraft or any oil well drilling equipment,";
- (b) by striking out the word "Secretary" where it occurs in clause (h), and by substituting the words "Government charged with the administration of *The Vehicles and Highway Traffic Act*";
- (c) the following new clause is added immediately after clause (gg):

"(gg1) 'Motor Vehicle Branch' means the Motor Vehicle Branch of the Department of the Provincial Government charged with the administration of *The Vehicles and Highway Traffic Act*;"

"Motor
Vehicle
Branch"

3. Section 10a is amended:

Section 10a
amended

- (a) by adding immediately after the words "motor vehicle" where they occur in subsection (1), the words " , an aircraft or any oil well drilling equipment";
- (b) by striking out the words "of the Department of the Provincial Secretary", where they occur in subsection (1);
- (c) by striking out the words "the engine number and", where they occur in subsection (2);
- (d) by striking out the words "of the Department of the Provincial Secretary", where they occur in subsection (3);
- (e) by adding at the end of subsection (3) the words "or any bill of sale comprising an aircraft or any oil well drilling equipment that does not comply with section 5".

Section 10b
amended

4. Section 10b is amended,—

- (a) by adding immediately after the words “a motor vehicle” where they occur in subsection (1) the words “, an aircraft or any oil well drilling equipment”;
- (b) by adding immediately after the words “motor vehicles,” where they occur in subsection (1) the words “aircraft or oil well drilling equipment,”;
- (c) by adding immediately after the words “the motor vehicle” where they occur in subsection (2) the words “, aircraft or oil well drilling equipment”;
- (d) by striking out the words “each motor vehicle” where they occur in subsection (2) and by substituting the words “any motor vehicle, aircraft or oil well drilling equipment”;
- (e) by adding immediately after the word “vehicles” wherever it occurs in subsection (3), the words “, aircraft or oil well drilling equipment”;
- (f) by adding immediately after the words “a motor vehicle,” where they occur in subsection (3) the words “an aircraft or any oil well drilling equipment,”.

Section 13
amended
Permanent
removal of
chattels into
Province

5. Section 13 is struck out and the following is substituted:

“13. (1) Where a chattel subject to a mortgage which was executed at a time when the chattel was situate without the Province is permanently removed into the Province, the mortgage shall be registered as a bill of sale by filing as required by subsections (2), (3) or (4) a copy of the mortgage and of all affidavits and documents accompanying or relating to the mortgage proved to be a true copy of the affidavit by some person who has compared the same with the original, otherwise the grantee shall not be permitted to set up any right of property or right of possession in or to the chattel so removed as against creditors and subsequent purchasers or mortgagees claiming from or under the grantor in good faith for valuable consideration and without notice.

Registration

“(2) Where a bill of sale comprises a motor vehicle, an aircraft or any oil well drilling equipment, it shall be registered by filing the instruments and affidavits required by subsection (1) in the office of the registration clerk in the Motor Vehicle Branch within twenty-one days after the grantee receives notice of the permanent removal into the Province of the motor vehicle, aircraft or oil well drilling equipment comprised in the mortgage.

“(3) Where a bill of sale comprises a chattel other than a motor vehicle, an aircraft or oil well drilling equipment, it shall be registered by filing the instruments and affidavit required by subsection (1) in the office of the registration clerk of the district to which the chattel has been perman-

ently removed within thirty days after the grantee has received notice of the place to which the chattel has been removed.

“(4) Where a bill of sale comprises a motor vehicle, an aircraft or any oil well drilling equipment and a chattel, other than any motor vehicle, aircraft or oil well drilling equipment, it shall be filed as required by subsection (2) in respect of any motor vehicle, aircraft or oil well drilling equipment and as required by subsection (3) in respect of any chattel, other than any motor vehicle, aircraft or oil well drilling equipment comprised therein.

“(5) Where a bill of sale described in subsection (4) is registered as required by subsection (2) in respect of any motor vehicle, aircraft or oil well drilling equipment comprised therein, but is not registered as required by subsection (3) in respect of any chattel, other than any motor vehicle, aircraft or oil well drilling equipment, comprised therein, nevertheless it shall be deemed for all the purposes of this Act to be sufficiently registered in respect of any motor vehicle, aircraft or oil well drilling equipment comprised therein.

“(6) Where a bill of sale described in subsection (4) is registered as required by subsection (3) in respect of any chattel, other than any motor vehicle, aircraft or oil well drilling equipment, comprised therein, but is not registered as required by subsection (2) in respect of any motor vehicle, aircraft or oil well drilling equipment comprised therein, nevertheless it shall be deemed for all the purposes of this Act to be sufficiently registered in respect of any chattel other than any motor vehicle, aircraft or oil well drilling equipment comprised therein.”.

6. This Act shall come into force on the day upon which it is assented to. Coming
into force

No. 56.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Bills of Sale
Act.

Received and read the

First time

Second time.....

Third time.....

HON. MR. GERHART.
