

Bill No. 57 of 1952.

A BILL TO AMEND THE CONDITIONAL SALES ACT.

NOTE.

This Bill amends *The Conditional Sales Act*, being chapter 219 of the Revised Statutes of Alberta, 1942.

The Conditional Sales Act was amended in 1951 to provide for the central registration of conditional sales agreements made within the Province and comprising motor vehicles, in the office of the registration clerk in the Motor Vehicle Branch.

Section 1*a* is amended. Motor Vehicle Branch is defined in clause (*aa*) to mean the Department of the Provincial Government charged with the administration of *The Vehicles and Highway Traffic Act*. Clause (*b*) is amended to make the "registration clerk" under the Act mean the registration clerk with respect to conditional sales agreements comprising aircraft, or any oil well drilling equipment, that is, the registration clerk in the Motor Vehicle Branch.

Section 3*a* is amended. The amendment provides that conditional sales agreements comprising aircraft or oil well drilling equipment shall be registered in a central registry. Such agreements are to be dealt with in the same manner as conditional agreements comprising motor vehicles. This section is also amended by striking out certain words which are now unnecessary, and by striking out the requirement that the description of a motor vehicle in a conditional sale agreement shall include the engine number.

Section 3*b* is amended to make it conform to the amendment to section 3*a* with respect to the addition of conditional sales agreements comprising aircraft and oil well drilling equipment to those agreements which will be registered in a central registry.

Section 11 is struck out and a new section is substituted. Section 11 deals with the bringing into the Province of goods which are the subject of a conditional sales agreement executed without the Province. The section is amended to make it clear that a conditional sales agreement 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 in the Motor Vehicle Branch when the motor vehicle, aircraft or oil well drilling equipment, after the execution of the conditional sales agreement, is brought into the Province.

Section 19 is amended. The fee for registration of a conditional sales agreement is increased to fifty cents from twenty-five cents. The fee for a certificate is increased to fifty cents from twenty-five cents and a fee of twenty-five cents is authorized to be charged for the production of a document for inspection. This amendment is for the purpose of making the fees charged under this Act similar to the fees charged under *The Bills of Sale Act* for the same service.

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. 57 of 1952.

An Act to amend The Conditional Sales 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 Conditional Sales Act*, being chapter 219 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 1a is amended,—

Section 1a
amended

(a) by adding immediately after clause (a) the following new clause:

“(aa) ‘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”

(b) by adding immediately after the words “motor vehicle,” where they occur in clause (b), the words “an aircraft or any oil well drilling equipment,”;

(c) by striking out the words “of the Department of the Provincial Secretary”, where they occur in clause (b).

3. Section 3a is amended,—

Section 3a
amended

(a) by striking out the words “a motor vehicle” where they occur in subsection (1), and by substituting the words “any motor vehicle, aircraft or oil well drilling equipment”;

(b) by adding immediately after the words “the motor vehicle” where they occur in subsection (1), the words “, aircraft or oil well drilling equipment”;

(c) by striking out the words “of the Department of the Provincial Secretary,” where they occur in subsection (1);

(d) by striking out the words “the engine number and” where they occur in subsection (2);

(e) by adding immediately after subsection (2) the following new subsection:

“(2a) The description of an aircraft or oil well drilling equipment in a conditional sales agreement shall be such that the aircraft or the oil well drilling equipment may be readily and easily known and distinguished.”;

- (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";
- (g) by striking out the words "of the Department of the Provincial Secretary" where they occur in subsection (3);
- (h) by adding at the end of subsection (3) the words and figure "or subsection (2a)".

Section 3b
amended

4. Section 3b 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 "the motor vehicle, aircraft or oil well drilling equipment";
- (e) by adding immediately after the words "motor vehicles" wherever they occur 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 11
amended
Permanent
removal of
goods into
Province

5. Section 11 is struck out and the following is substituted:

"11. (1) In the event of the permanent removal into the Province of goods or chattels of the value of fifteen dollars or over, subject to an agreement made or executed without the Province that the right of property or right of possession in whole or in part shall remain in the seller or bailor, notwithstanding that the actual possession of the goods or chattels passes to the buyer or bailee, then, unless the agreement,—

- "(a) contains such a description of the goods or chattels, the subject of the sale or bailment, that the same may be readily and easily known and distinguished;
- "(b) is registered as required by subsections (2), (3) or (4) by filing a copy of the agreement and of the affidavits and instruments relating thereto,

proved to be a true copy by the affidavit of some person who has compared the same with the original;

the seller or bailor shall not be permitted to set up any right of property or right of possession in or of the said goods or chattels as against the creditors of the buyer or bailee, a trustee in bankruptcy, a liquidator in winding-up proceedings, subsequent purchasers or mortgagees in good faith for valuable consideration whose conveyances or mortgages have been duly registered or are valid without registration, or as against judgments, executions or attachments against the buyer or bailee.

“(2) Where a conditional sales agreement comprises a motor vehicle, an aircraft or any oil well drilling equipment, it shall be registered in the office of the registration clerk in the Motor Vehicle Branch within twenty-one days after the seller or bailor receives notice of the permanent removal into the Province of the motor vehicle, aircraft or oil well drilling equipment comprised in the agreement. Registration

“(3) Where a conditional sales agreement comprises goods or chattels other than a motor vehicle, an aircraft or any oil well drilling equipment, it shall be registered in the office of the registration clerk of the district to which the goods or chattels are permanently removed within thirty days after the seller or bailor has received notice of the place to which the goods or chattels have been removed.

“(4) Where a conditional sales agreement comprises a motor vehicle, an aircraft or any oil well drilling equipment and goods or chattels other than a motor vehicle, an aircraft or any oil well drilling equipment, it shall be registered as required by subsection (2) in respect of any motor vehicle, aircraft or oil well drilling equipment comprised therein, and as required by subsection (3) in respect of any goods or chattels other than any motor vehicle, aircraft or oil well drilling equipment comprised therein.

“(5) Where a conditional sales agreement described in subsection (4) is registered in accordance with subsection (2) in respect of any motor vehicle, aircraft or oil well drilling equipment comprised therein, but is not registered in accordance with subsection (3) in respect of other goods or chattels 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 conditional sales agreement described in subsection (4) is registered in accordance with subsection (3) in respect of the goods or chattels comprised therein, other than a motor vehicle, an aircraft or any oil well drilling equipment, but is not registered in accordance with subsection (2) in respect of the motor vehicle, aircraft or oil well drilling equipment, nevertheless it shall be deemed for all the purposes of this Act to be sufficiently registered in

respect of the goods or chattels comprised therein, other than the motor vehicle, aircraft or oil well drilling equipment.”.

Section 19
amended
Registration
fees

6. Section 19 is struck out and the following is substituted:
“19. The registration clerk may charge the following fees, that is to say:

“For each registration	\$0.50
“For each search	0.25
“For copies of documents, per 100 words	0.10
“For each certificate	0.50
“For production of a document for inspection	0.25”

Coming
into force

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

No. 57.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Conditional
Sales Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
