

Bill No. 82 of 1955

A BILL TO AMEND THE CONDITIONAL SALES ACT

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NOTE

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

Section 11, subsection (1) is amended to clarify the meaning of subsequent purchasers as used in that section, which was enacted by an amending Act in 1952.

A new subsection is added to section 16 to enable a vendor under an instalment sale who has seized the goods because the purchaser is in arrears, to sue the purchaser for the value of any accessories to the goods that have been removed. He cannot sue, however, for more than the amount, if any, that is deficient after he has sold the seized goods.

The other amendments to the Act are necessitated by the 1951 amendments which introduced a different system for the registration of conditional sale agreements relating to motor vehicles, aircraft, trailers or oil well drilling equipment. The present amendments are to clarify the provisions in the Act relating to registration in view of the 1951 amendments.

This Bill comes into force upon assent, except that the amendments to section 4, relating to the renewal of the registration of conditional sale agreements, are retroactive to the 30th day of June, 1954, the day on which the period of three years after the coming into force of the 1951 amendments expires.

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. 82 of 1955

An Act to amend The Conditional Sales Act

(Assented to \_\_\_\_\_, 1955)

**H**ER 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.

Section 3  
amended

**2.** Section 3, subsection (1) is amended by striking out the words "The agreement" and by substituting the words and figures "Subject to sections 3a and 3b, the agreement".

Section 4  
amended

**3.** Section 4 is amended

(a) as to subsection (1) by adding immediately after the words "property is then situate" the words "or in the office of the registration clerk in the Motor Vehicle Branch, as the case may be,"

(b) as to subsection (2) by adding immediately after the words "goods are then situate" the words "or in the office of the registration clerk in the Motor Vehicle Branch, as the case may be,".

Section 6  
amended

**4.** Section 6, subsection (1) is amended by adding immediately after the words "If the goods" the words " , being goods other than any motor vehicle, aircraft, trailer or oil well drilling equipment,".

Section 10  
amended

**5.** Section 10 is amended

(a) by renumbering the section as subsection (1),

(b) by adding immediately after subsection (1) the following new subsection:

"(2) Notwithstanding subsection (1), an application for the purpose thereof shall, in the case of a conditional sale comprising any motor vehicle, aircraft, trailer or oil well drilling equipment, be made to a judge of the district within which the buyer or bailee resides."

Section 11  
amended

**6.** Section 11, subsection (1) is amended by striking out the words "subsequent purchasers or mortgagees" and by substituting the words "purchasers or mortgagees of or from the buyer or bailee of such goods".

7. Section 16 is amended by adding immediately after subsection (6) the following new subsection: Section 16  
amended

“(7) Notwithstanding the foregoing provisions of this section, where a vendor, in order to recover unpaid purchase money owing under an instalment sale, has seized or caused to be seized the goods or chattels sold, and, if it is found that an accessory forming part of his security was removed from the goods or chattels before they were seized and was not replaced by another accessory of a like kind and value, the vendor may sue the purchaser

“(a) for the value of the accessories, or

“(b) for the amount by which the sum realized on the sale of the goods or chattels falls short of the amount owing by the purchaser and the amount of the proper fees, charges, claims and disbursements in connection with the seizure and the sale, whichever is the lesser.”.

8. This Act comes into force on the day upon which it is assented to and upon so coming into force section 3 shall be deemed to have been in force at all times on and after the thirtieth day of June, 1954. Coming into  
force

THIRD SESSION  
TWELFTH LEGISLATURE  
4 ELIZABETH II  
1955

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**BILL**

An Act to amend The Conditional  
Sales Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MAYNARD

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