

No. 43

4th Session, 14th Legislature, Alberta
10 Elizabeth II

BILL 43

A Bill to amend The Conditional Sales Act

HON. MR. MANNING

Explanatory Note

2. Subsection (3) of section 4 reads:

"(3) Every conditional sale agreement or a true copy thereof shall upon each such registration be accompanied by an affidavit of the seller or bailor or his agent stating

- (a) that the conditional sale agreement annexed thereto truly sets forth the agreement entered into between the parties, and
- (b) that the conditional sale agreement was entered into bona fide and not for the purpose of protecting the goods mentioned therein against the creditors of the buyer or bailee."

3. Section 5, subsections (1), (4) and (5) presently read:

"5. (1) Where a conditional sale agreement made on or after the first day of July, 1951, comprises an itinerant machine, it shall be registered by filing the agreement or a true copy thereof together with such an affidavit as is required by this Act in respect of registration generally in the office of the registration clerk in the Motor Vehicle Branch, irrespective of the residence of the buyer or the place at which the itinerant machine is delivered or to which it is removed, and thereupon registration shall be deemed to be effected.

(4) The registration clerk may refuse to register a conditional sale agreement comprising an itinerant machine and that does not comply with subsections (2) and (3).

(5) The conditional sale agreement and affidavit shall be filed under subsection (1) within twenty-one days after the making thereof."

4. Section 9, subsection (1) presently reads:

"9. (1) If the goods, being goods other than any itinerant machine, comprised in a conditional sale agreement are after the delivery of the goods permanently removed by the buyer or bailee thereof into a registration district other than the one in which they were situated at the time of the execution of the conditional sale agreement, a copy of the conditional sale agreement and of the affidavit accompanying it, certified to be a true copy by the clerk of the registration district in which it was originally filed shall, within thirty days after the seller or bailor has received notice of the place to which the goods have been removed, be filed in the registration district into which the goods are removed, otherwise the seller or bailor is not permitted to set up a right of property or possession to the goods removed as against any such purchaser or mortgagee as aforesaid, or as against any such judgments, executions or attachments as aforesaid."

5. Section 18 reads:

"18. (1) The seller or bailor on payment or tender of the amount due in respect of the goods or on performance of the conditions of the sale or bailment shall sign and deliver to a person demanding it a memorandum in writing stating that his claims against the goods are satisfied and the memorandum thereupon operates to divest the seller or bailor of any further interest or right of possession, if any, in the goods.

(2) Any such memorandum, if accompanied by an affidavit of execution of an attesting witness, may be registered."

6. Commencement of Act.

BILL

No. 43 of 1962

An Act to amend The Conditional Sales Act

(Assented to _____, 1962)

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 54 of the Revised Statutes, is hereby amended.

2. Section 4 is amended by striking out subsection (3).

3. Section 5 is amended

- (a) as to subsection (1) by striking out the words "together with such an affidavit as is required by this Act in respect of registration generally",
- (b) as to subsection (4) by adding immediately at the end thereof the words "or a conditional sale agreement that is not in all respects legible",
- (c) as to subsection (5) by striking out the words "and affidavit".

4. Section 9, subsection (1) is amended by striking out the words "and of the affidavit accompanying it".

5. Section 18 is amended by adding the following new subsection:

(3) Notwithstanding subsection (2), where a conditional sale agreement, memorandum of satisfaction or other document under this Act is executed by a corporation no affidavit of execution is required.

6. This Act comes into force on the day upon which it is assented to.

No. 43

FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

BILL

An Act to amend The Conditional
Sales Act

Received and read the

First time

Second time

Third time

HON. MR. MANNING
