

1971 Bill 29

Fourth Session, 16th Legislature, 20 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 29

An Act to amend The Bills of Sale Act

THE ATTORNEY GENERAL

First Reading

Second Reading

Third Reading

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1971

AN ACT TO AMEND THE BILLS OF SALE ACT

(Assented to _____, 1971)

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

1. *The Bills of Sale Act is hereby amended.*

2. *Section 10 is amended*

(a) *as to subsection (2) by adding after the words "motor vehicle" in each case the words "aircraft or trailer",*

(b) *by striking out subsection (3) and by substituting the following:*

(3) The registration clerk in the Motor Vehicle Branch may refuse to register any bill of sale comprising a motor vehicle, aircraft or trailer that does not comply with subsection (2) or any bill of sale comprising an itinerant machine that does not comply with section 5.

3. *Section 16 is struck out and the following is substituted:*

16. (1) Where a registered bill of sale evidences a mortgage of chattels, the mortgagee, on payment of all moneys due or accruing due under the bill of sale, shall sign and deliver to the mortgagor a memorandum in writing stating that fact.

(2) Where a registered bill of sale evidences a mortgage of chattels, the mortgagee on payment of part of the moneys due or accruing under the bill of sale, shall upon the demand of the mortgagor sign and deliver to him a memorandum stating that fact and stating the amount so paid.

(3) A memorandum under subsection (1) or subsection (2)

(a) may be registered in which case it shall be accompanied by an affidavit of an attesting witness of the execution thereof, and

(b) may be in Form 2.

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

Explanatory Notes

1. This Bill amends chapter 29 of the Revised Statutes of Alberta 1970.

2. Section 10, subsections (2) and (3) presently read:

(2) The description of a motor vehicle in a bill of sale shall include the serial number of the motor vehicle.

(3) The registration clerk in the Motor Vehicle Branch may refuse to register any bill of sale comprising a motor vehicle that does not comply with subsection (2) or any bill of sale comprising an itinerant machine that does not comply with section 5.

3. Self explanatory. Section 16 presently reads:

16. (1) Where a registered bill of sale evidences a mortgage of chattels, it may be discharged in whole or in part by the registration in the office in which the same is registered of a certificate of discharge in Form 2 in the Schedule signed by the mortgagee, his executors, administrators, or assigns, and accompanied by an affidavit of an attesting witness of the execution thereof.

(2) No certificate of discharge by an assignee shall be registered unless the assignment has been registered in the same office.

(3) The proper officer in whose office a certificate of discharge accompanied by the affidavit of execution is registered shall

(a) note the fact of the discharge against each entry in the books of his office respecting the registration of the bill of sale, and

(b) make a like notation upon the bill of sale or copy filed in his office

(4) The proper officer in whose office the certificate of discharge is registered shall on request furnish a certificate of the entry of the discharge in the records of his office.