

CHAPTER 17 - BILLS OF SALE

AN EDICT TO MAKE PROVISION FOR THE EXECUTION OF BILLS OF SALE IN THE STATE AND TO REPEAL LAW APPLYING ENGLISH LEGISLATION IN THESE MATTERS

[15 June 1985]

1. This Edict may be cited as the Bills of Sale Edict.
2. This Edict shall be deemed to have come into operation on the 1st day of October, 1987.
3. —(1) In this Edict unless the context otherwise requires:-

"Bill of Sale" means an instrument in writing whereby one person transfers to another the property he has in goods or chattels and the holder or grant has power to seize or take possession of any chattels comprised in or made subject to the bill of sale; and shall include bills of sale, assignments, transfers, declarations of trust without transfers, inventories of goods with receipt attached thereto, or receipts for purchase moneys of goods, and other assurances of personal chattels, and also powers of attorney, authorities or licences to take possession of personal chattels as security for any debt, and also any agreement whether intended or not to be followed by the execution of any other instrument, by which a right in equity to any personal chattels or to any charge or security therein shall be conferred, but shall not include the following documents, that is to say: assignment for the benefit of the creditors of the person making or giving the same, marriage settlements, transfers or assignments of any ship or vessel or any share thereof, transfer of goods in the ordinary course of business of any trade or calling, bills of sale of goods in foreign countries or at sea, bills of lading, warehouse-keepers' certificates, warrants or orders for the delivery of goods or any other documents used in the ordinary course of business as proof of the possession or control of goods or authorising or purporting to authorise, either by endorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented, or any instrument charging or creating any security on or declaring trusts of imported goods given or executed at any time prior to their deposit in a warehouse, factory or store or to their being reshipped for export or delivered to a purchaser not being the person giving or executing such instrument; and bills of sale or other documents mentioned herein which may be given other than by way of security for payment of money shall not constitute bills of sale for the purpose of security bills of sale;

"Commissioner" means the Commissioner charged with responsibility for Bills of Sale;

"factory or workshop" means any premises on which manual labour is exercised by way of trade or for purpose of gain in or incidental to the making of any article or part of an article, or the altering, repairing ornamenting or finishing or any article or the adapting for sale or any article;

"personal chattels" means any goods, furniture and other articles of complete transfer by delivery, and (when separately assigned or charged) fixtures and growing crops, but shall not include chattel interests in real estate nor fixtures (except trade machinery as hereinafter defined) when assigned together with a right of occupancy or other interest in any land or with a freehold or leasehold interest in any building, to which they are affixed, nor growing crops when assigned together with any interest in the land on which they grow, nor shares or interests in the stock, funds or securities of any government, or in the capital or property of incorporated or joint stock, companies, or choses in action, or any stock or produce upon any farm or lands which by virtue of any covenant or agreement or of the custom or the country ought not to be removed from any farm where the same are at the time of making or giving of such bill of sale;

"prescribed" means prescribed by rules made under the provisions of this Edict;

"Registrar" means the Registrar of Land or Title or Deeds for the State; and