

LAWS OF DOMINICA

BILLS OF SALE ACT

CHAPTER 78:22

Act

7 of 1882

Amended by

19 of 1939

1 of 1973

20 of 1978

Current Authorised Pages

<i>Pages</i>	<i>Authorised</i>
<i>(inclusive)</i>	<i>by L.R.O.</i>
<i>1-11</i>	<i>1/1991</i>

**Note
on
Subsidiary Legislation**

This Chapter contains no Subsidiary Legislation.

CHAPTER 78:22**BILLS OF SALE ACT****ARRANGEMENT OF SECTIONS****SECTION**

1. Short title.
2. Application of Act.
3. Interpretation.
4. Certain instruments giving powers of distress to be subject to this Act.
5. Fixtures or growing crops not to be deemed separately assigned when the land passes by the same instrument.
6. Avoidance of unregistered bills of sale in certain cases.
7. Avoidance of certain duplicate bills of sale.
8. Mode of registering bills of sale.
9. Renewal of registration.
10. Form of register.
11. The Registrar.
12. Rectification of register.
13. Entry of satisfaction.
14. Copies may be taken, etc.
15. Affidavits.
16. Fees.
17. Order and disposition.
18. Rules.
19. Time for registration.

FIRST SCHEDULE.**SECOND SCHEDULE.**

CHAPTER 78:22**BILLS OF SALE ACT**

1961 Ed.
Cap. 317.
7 of 1882.

AN ACT relating to bills of sale.

Commencement.

[21st September 1882]

Short title.

1. This Act may be cited as the –
BILLS OF SALE ACT.

Application of
Act.

2. This Act shall apply to every bill of sale executed on or after 1st October, 1882 (whether the same is absolute, or subject or not subject to any trust), whereby the holder or grantee has power, either with or without notice, and immediately or at any future time, to seize or take possession of any personal chattels comprised in, or made subject to, the bill of sale.

Interpretation.

3. In this Act –
“bill of sale” includes bills of sale, assignments, transfers, declarations of trust without transfer, inventories of goods with receipt thereto attached 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 thereon, is conferred, but does not include the following documents, that is to say, assignments 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, transfers of goods in the ordinary course of business of any trade of calling, bills of sale of goods in foreign parts or at sea, bills of lading, India warrants, 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 the document to transfer or receive goods thereby represented;

“personal chattels” means goods, furniture and other articles capable of complete transfer by delivery, and (where separately assigned

or charged) fixtures and growing crops, but does not include chattel interests in real estate, nor fixtures (except trade machinery as defined in section 5 of the Bills of Sale Act 1878 of the United Kingdom, the provisions of which section are hereby declared to be in force within the State as part of this Act), when assigned together with a freehold or leasehold interest in any land or 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, nor choses in action, nor any stock or produce upon any plantation or estate or lands, which by virtue of any covenant or agreement, or of the custom of the country, ought not to be removed from any plantation or estate where the same are at the time of making or giving of the bill of sale; and "personal chattels" shall be deemed to be in the "apparent possession" of the person making or giving a bill of sale, so long as they remain or are in, or upon, any house, warehouse, building, works, yard, land or other premises occupied by him, or are used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by, or given to, any other person;

"prescribed" means prescribed by Rules made under this Act.

4. Every attornment, instrument or agreement, not being a mining lease, whereby a power of distress is given or agreed to be given by any person to any other person by way of security for any present, future or contingent debt or advance, and whereby any rent is reserved or made payable as a mode of providing for the payment of interest on the debt or advance, or otherwise for the purpose of the security only, shall be deemed to be a bill of sale within the meaning of this Act of any personal chattels which may be seized or taken under the power of distress; but nothing in this section shall extend to any mortgage of any estate or interest in any land, tenement or hereditament, which the mortgagee, being in possession, has demised to the mortgagor as his tenant at a fair rent.

Certain instruments giving powers of distress to be subject to this Act.

5. No fixtures or growing crops shall be deemed under this Act to be separately assigned or charged by reason only that they are assigned by separate words, or that power is given to sever them from the land or building to which they are affixed, or from the land on which they grow, without otherwise taking possession of or dealing with the land or building, if by the same instrument any freehold or leasehold interest

Fixtures or growing crops not to be deemed separately assigned when the land passes by the same instrument.