

**Bills of Sale Act
(CHAPTER 24)**

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BILLS OF SALE ACT

(CHAPTER 24)

(Original Enactment: Ordinance 12 of 1886)

REVISED EDITION 2011

(31st December 2011)

An Act relating to bills of sale.

[1st November 1886]

Short title

1. This Act may be cited as the Bills of Sale Act.

Application of this Act

2.—(1) This Act shall apply to every bill of sale, 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 either immediately or at any future time, to seize or take possession of any personal chattels comprised in or made subject to such bill of sale, but shall not, except as in this Act expressly mentioned, apply to any mortgages or debentures issued by any incorporated company and secured upon the stock or goods, chattels, and effects of such company.

[5/2009]

(2) This Act shall not apply to a bill of sale executed at any time on or after the date of commencement of the International Interests in Aircraft Equipment Act 2009 (Act 5 of 2009) to the extent that any interest therein is capable of being registered under that Act.

[5/2009]

(3) In subsection (2), “registered” has the same meaning as in section 2(1) of the International Interests in Aircraft Equipment Act 2009.

[5/2009]

Interpretation

3.—(1) In this Act, unless there is something repugnant in the subject or context —

“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, shall be conferred, but does not include the following documents:

- (a) assignments for the benefit of the creditors of the person making or giving the same;
- (b) antenuptial marriage settlements;
- (c) transfers or assignments of any ship or vessel or any share thereof;
- (d) transfers of goods in the ordinary course of business of any trade or calling;
- (e) bills of sale of goods in foreign parts or at sea;

- (f) bills of lading, warehouse-keeper's 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 documents to transfer or receive goods thereby represented;

“bill of sale” also includes as regards any personal chattels which may be seized or taken thereunder every attornment, instrument or agreement 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 debt or advance, and whereby any rent is reserved or made payable as a mode of providing for the payment of interest on such debt or advance or otherwise for the purpose of such security only, but does not include or extend to any mortgage of any estate or interest in any land, tenement or hereditament which the mortgagee being in possession demises to the mortgagor as his tenant at a fair and reasonable rent;

“bill of sale” also includes agreements for the hire of personal chattels entered into for the purpose of securing the repayment to the lessor of such chattels of money advanced by him to the hirer; and the hirer shall in every such case be deemed to be the grantor of the bill of sale and the lessor shall be deemed to be the grantee thereof;

“factory or workshop” means any premises on which any manual labour is exercised by way of trade, or for purposes of gain in or incidental to the following purposes or any of them:

- (a) the making of any article or part of an article;
- (b) the altering, repairing, ornamenting or finishing of any article; or
- (c) the adapting for sale of any article;

“personal chattels” means goods, furniture and other articles capable of complete transfer by delivery, and trade machinery as hereinafter defined, and, when separately assigned or charged, fixtures and growing crops; but does not include chattel interests in real estate nor fixtures, except trade machinery as hereinafter defined, 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 stocks, funds or securities of any government or in the capital or property of incorporated or joint-stock companies nor choses in action;

“trade machinery” means the machinery used in or attached to any factory or

workshop, exclusive of —

- (a) the fixed motive powers, such as the water-wheels and steam-engines, and the steam-boilers, donkey-engines, and other fixed appurtenances of the said motive powers;
- (b) the fixed power machinery such as the shafts, wheels, drums and their fixed appurtenances, which transmit the action of the motive powers to the other machinery, fixed and loose; and
- (c) the pipes for steam, gas and water in the factory or workshop.

(2) No fixtures or growing crops shall be deemed 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 such land or building, or land, if by the same instrument any freehold or leasehold interest in the land or building to which such fixtures are affixed, or in the land on which such crops grow, is also conveyed to the same person or persons.

Bill of sale to be void under certain circumstances unless attested and registered

4.—(1) Every bill of sale shall be duly attested and shall be registered under this Act within 3 clear days after the execution thereof, and shall truly set out the consideration for which it was given, otherwise the following consequences shall ensue:

- (a) in the case of a bill of sale made or given by way of security for the payment of money by the grantor thereof, such bill of sale shall be void in respect of the personal chattels comprised therein;
- (b) in the case of any other bill of sale it shall, as against all trustees or assignees of the estate of the person whose chattels or any of them are comprised in such bill of sale under the law of bankruptcy or liquidation or under any assignment for the benefit of the creditors of such person, and also as against all sheriff's officers and other persons seizing any chattels comprised in that bill of sale in the execution of any process of any court authorising the seizure of the chattels of the person by whom or of whose chattels that bill has been made, and also as against every person on whose behalf such process shall have been issued, be deemed fraudulent and void so far as regards the property in or right to the possession of any chattels comprised in that bill of sale which at or after the time of filing the application for bankruptcy or liquidation or of the execution of such assignment or of executing such process, as the case may be, and after the expiration of such 3 days are in the possession or apparent possession of the person making that bill of sale or of any person against whom the