



ANNO UNDECIMO

## ELIZABETHAE II REGINAE

A.D. 1962

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### No. 37 of 1962

An Act to amend the Hire-Purchase Agreements Act, 1960.

[Assented to 8th November, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the "Hire-Purchase Agreements Act Amendment Act, 1962". Short titles.

(2) The Hire-Purchase Agreements Act, 1960, as amended by this Act, may be cited as the "Hire-Purchase Agreements Act, 1960-1962".

(3) The Hire-Purchase Agreements Act, 1960, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The following sections are inserted in the principal Act after section 46 thereof :—

46a. Any authority or licence (other than an authority or licence given by a company) to take possession of personal chattels contained in any agreement made after the commencement of the Hire-Purchase Agreements Act Amendment Act, 1962, which operates as a Bill of Sale within the meaning of the Bills of Sale Act, 1886-1940, but is not in registrable form pursuant to the provisions of that Act shall be wholly unenforceable by the grantee thereof.

Enactment of sections 46a, 46b, and 46c of the principal Act. Effect of bill of sale not in registrable form.

Demanding  
sum in excess  
of that due.

46b. Any person who knowingly makes demand upon the hirer of goods under any hire-purchase agreement whether entered into before the commencement of the Hire-Purchase Agreements Act Amendment Act, 1962, or not, for payment to the owner of any sum in excess of the amount properly due to the owner pursuant to the agreement, shall be guilty of an offence.

Provision  
where owner of  
goods is money-  
lender.

46c. (1) Where a person who is engaged in the trade of selling or hiring goods (in this section referred to as "the trader") is in possession of goods with the knowledge and consent of the true owner thereof and that owner is a money-lender licensed pursuant to the Money-lenders Act, 1940-1960 :—

- (a) any hire-purchase agreement or agreement for letting those goods made by the trader acting in the ordinary course of his business shall be as valid as if the trader were expressly authorized by the true owner of the goods to enter into such agreement, and any payments made by the hirer to the trader shall be deemed to be made to the true owner until that owner gives to the hirer notice in writing that future payments shall be made to that owner ; or
- (b) where such goods are the subject of a hire-purchase agreement (or an agreement which would be a hire-purchase agreement but for the exception under paragraph (b) to the definition of "hire-purchase agreement" contained in section 2 of this Act) or unregistered Bill of Sale under which the trader or some other person is the hirer or grantor, any sale by the trader of such goods to a *bona fide* purchaser for value and without notice of the existence of such agreement or assurance shall be deemed to be a valid sale by the owner to the purchaser and any payment by the purchaser to the trader shall be deemed to be payment to the owner.

(2) (a) This section shall not, save as is herein expressly provided, exempt the trader from any action or suit in respect of tort or breach of contract or otherwise which might, but for the provisions of this section, have been brought against him.

(b) This section shall not exempt any person from any indictment or other proceedings for an offence which is punishable at common law or under any Act.

(c) The rights given by this section to a purchaser or hirer of goods other than the trader shall be in addition to any rights he may otherwise have at law.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

EDRIC BASTYAN, Governor.