

297

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1919.

A BILL

To provide for the disposal of certain unclaimed goods and articles left with tradesmen for storage or repair ; and for purposes consequential thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the “ Unclaimed Goods Short title. Act, 1919.”

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297—(3)

2.

2. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“ Article ” includes every species of chattels and goods whatsoever.

“ Tradesman ” means a person belonging to any of the classes mentioned in the Schedule hereto, provided that the Governor may by proclamation in the Gazette add to, or in any way he thinks desirable, alter such Schedule.

3. Every tradesman who intends to take advantage of the provisions of this Act, shall at the time he receives any article for storage or repair enter in a book to be kept by him for that purpose a description of such article, the date on which such article was received by him, and an estimate of the amount to be charged for such storage or repair. He shall at the same time give the person from whom he receives the article a ticket in the prescribed form on which shall be written or printed, or partly written and partly printed, a duplicate of such entry and a statement of the period within which such article may be claimed without becoming liable to be sold under this Act, and such further particulars as may be prescribed; such ticket shall be signed by the tradesman giving it, or by an assistant authorised by him in that behalf. Goods received to be entered in book and ticket given to depositor.

4. Any article so received, not claimed by the person entitled thereto, or by some person duly authorised in that behalf, and the amount due upon it not paid within, in the case of an article so received by any tradesman who has complied with the provisions of the preceding section, mentioned in Part One of the Schedule hereto, twelve months from the date when such amount or any part thereof became due, and in the case of an article so received by any such tradesman mentioned in Part Two of such Schedule, six months from such date, may be sold by the tradesman, in accordance with the provisions hereinafter contained in this Act. Unclaimed goods liable to forfeiture and sale.

5. Any article which has been received, before the commencement of this Act, by a tradesman for storage or repair, and is at the date of such commencement in the possession of the tradesman, and in respect of which there is and has been for a period of two years before such Articles received for storage, &c., before commencement of Act.

such date any amount due and unpaid for such storage or repair, may be sold by such tradesman in accordance with the provisions hereinafter contained in this Act :

Provided that any such article shall not be so sold unless at least fourteen days before publication of the advertisement hereinafter prescribed, a notice in the prescribed form of the proposed sale is served upon the owner of such article, either personally or by registered letter addressed to his last known place of abode.

6. (1) Such sale shall be by public auction : notice Mode of sale. thereof, containing a description of the articles to be sold, shall be published in a newspaper circulating in the district in which the sale is to take place, at least four days before the proposed date of sale.

(2) A tradesman with whom any articles have been entrusted for storage or repair shall not purchase any such articles at any such sale.

(3) The tradesman may, out of the proceeds of any such sale, retain the amount due to him in respect of the article sold, and may pay the charges necessary in connection with such sale ;

The surplus, if any, after the deduction of such amount and charges shall, if claimed within six months after such sale, be paid by the tradesman to the owner of the article or his agents or assigns, or (in case of the death of the depositor) to his executor or administrator.

Any such surplus not claimed within such time shall become the absolute property of the tradesman.

7. (1) The tradesman offering such articles for sale shall make an entry in a book to be kept by him for that Description of goods offered for sale to be entered in a book. purpose, of all such articles so sold, the name of the purchaser when obtainable, the price paid, and any other particulars which may be prescribed.

(2) The owner of any such articles so sold, or his agents or assigns, or in case of his death his executor or administrator, shall be permitted to inspect any such entry on production of the ticket given in accordance with section three hereof.

Any tradesman who refuses to produce the book containing such entry and permit such inspection shall be liable to a penalty not exceeding *fifty* pounds.

8.

302

8. Any person failing to comply with any provision of this Act for the breach of which a penalty has not been specifically imposed, shall be liable to a penalty not exceeding *fifty* pounds. Any penalty imposed by this Act or the regulations hereunder may be recovered in a summary way before a stipendiary or police magistrate, or any two justices in petty sessions. Penalties.

9. (1) The Governor may make regulations prescribing any forms necessary under, and generally for carrying out the provisions of, this Act, and in such regulations may impose penalties not exceeding *twenty* pounds for any breach thereof. Regulations.

(2) Such regulations shall—

- (i) be published in the Gazette;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations; and
- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.

SCHEDULE.

PART ONE.

Watchmakers and Jewellers.
Musical Instrument Manufacturers or Importers.

PART TWO.

Cleaners and Dyers.
