

NORTHERN TERRITORY OF AUSTRALIA

DISPOSAL OF UNCOLLECTED GOODS REGULATIONS

As in force at 17 June 1977

Table of provisions

1	Citation	1
2	Commencement	1
3	Forms	1
4	Strict compliance unnecessary	1
5	Where application to be made	1
6	Procedure as to filing of application	2
7	Service.....	2
8	Orders joining other parties	2
9	Orders may be made in absence of person served	2

Schedule

ENDNOTES

NORTHERN TERRITORY OF AUSTRALIA

As in force at 17 June 1977

DISPOSAL OF UNCOLLECTED GOODS REGULATIONS

Regulations under the *Disposal of Uncollected Goods Act*

1 Citation

These Regulations may be cited as the *Disposal of Uncollected Goods Regulations*.

2 Commencement

These Regulations shall come into operation on the date of commencement of the Ordinance.

3 Forms

The forms to be used under this Ordinance shall be in accordance with the forms set out in the Schedule.

4 Strict compliance unnecessary

Strict compliance with the forms in the Schedule is not required and substantial compliance shall suffice for the purposes of these Regulations.

5 Where application to be made

- (1) Subject to subregulation (2), an application to a court shall be made to the court nearest to:
 - (a) the place where the bailment arose; or
 - (b) the place where the goods came into the possession of the applicant.
- (2) A court to which an application is made may order that the application be removed to be dealt with by another court.

6 Procedure as to filing of application

- (1) Where an application to a court is made, it shall be filed with the Clerk who shall set down the application for hearing on a date fixed by the Clerk being not less than 28 days after the filing of the application.
- (2) Where the application is an application under section 12, of the Ordinance the applicant shall, with his application, lodge with the Clerk an affidavit stating that he has complied with the requirements of the Ordinance, and shall annex to that affidavit true copies of such notices as are required by the Ordinance to be given.
- (3) The applicant shall, with his application, produce sufficient duplicate copies of the application and affidavit (if any) to enable persons interested in or likely to be affected by the application to be served.
- (4) The Clerk shall complete, sign and seal each duplicate copy of the application to be served and shall deliver them to the applicant.
- (5) The duplicate copies issued under subregulation (3) shall constitute a summons under the Local Courts Ordinance and the provisions of that Ordinance and its rules regarding service and proof of service shall apply.

7 Service

Subject to the Ordinance, copies of the application shall be served on the respondent and all parties interested in or likely to be affected by the application at least 14 clear days before the time fixed for hearing or such lesser time as the court at the hearing may allow.

8 Orders joining other parties

Where the court is of the view that a person, other than the applicant or respondent in an application, appears to have or claims to have an interest in goods the subject of the application, the court may order that that person be joined as a party to the application and may make orders as to service.

9 Orders may be made in absence of person served

If a person served with an application does not attend, either in person or by his counsel, at the time and place fixed for the hearing of the application, the court may make orders in his absence.

Schedule

FORM 1

sections 8(1)(a) and 23(2) and (3)

Disposal of Uncollected Goods Ordinance

NOTICE UNDER PART II THAT GOODS ARE READY FOR REDELIVERY

To
of Bailor

1. The following goods: (1)situated at
..... are now available for redelivery to you at
.....

2. I claim the amount of \$..... is due by you for charges. This amount
is calculated as follows:

.....

3. Unless you take redelivery of the goods or give directions for their
redelivery, or give notice in writing to (2) of
bailee, that you dispute all or any of the matters contained in this
notice:

(a) the goods will be sold or otherwise disposed of in accordance with
the Ordinance; or

(b) an application will be made to the court for an order to sell the
goods under Part III of the Ordinance. (3)

..... (Signed)
Date Bailee

-
- (1) Give a sufficient description of the goods.
 - (2) Insert name and address of the person, firm or company with whom the goods were bailed.
 - (3) Strike out whichever is not applicable.

FORM 2

sections 8(1)(b) and 23(2) and (4)

Disposal of Uncollected Goods Ordinance

NOTICE UNDER PART II OF INTENTION TO SELL GOODS

To
of, Bailor

1. You were given notice on of 19... that the following goods:
(1)
..... situated at
were ready for redelivery.
2. I claim the amount of \$..... is due by you for charges.
3. I estimate that these goods are goods to the value of \$..... (2) to which Part II of the above mentioned Ordinance applies.
4. Unless, within one month from the date of the giving of this notice, you:
 - (a) pay the charges due on the goods and give directions for their redelivery; or
 - (b) give notice in writing to (3) of,
bailee, that you claim that the goods exceed \$200 in value,

it is intended to sell the goods in accordance with the Ordinance.

..... (Signed)
Date Bailee

-
- (1) Give a sufficient description of the goods.
 - (2) State bailee's estimate of the value of the goods.
 - (3) Insert name and address of person, firm or company with whom the goods were bailed.

FORM 3

sections 8(1)(c)

Disposal of Uncollected Goods Ordinance

NOTICE OF INTENDED SALE TO BE ADVERTISED IN GAZETTE

To
of on the day of
I, of, having
on the day of given you notice that the undermentioned
goods are ready for redelivery, intend after the day of to sell
those goods.

GOODS

(1).....
.....

.....
Date

(Signed)
Bailee

(1) Insert description of the goods.

FORM 4

sections 10(1)(a) and 23(2) and (6)

Disposal of Uncollected Goods Ordinance

NOTICE UNDER PART II TO TREAT A DISPUTE AS DETERMINED

To
of, Bailor

1. With reference to the following goods: (1)
..... a dispute arose on
..... between you and the undermentioned bailee, as
under: (2).....

2. The goods are available for redelivery to you at
.....

3. Unless not more than one month from the date of the giving of this
notice you:

(a) pay the charges lawfully due on the goods and take them or give
directions for their redelivery; or

(b) give notice in writing to (3) of,
bailee, that you object to this dispute being treated as determined,

the goods will be sold or otherwise disposed of in accordance with the
Ordinance.

4. The amount of \$..... is claimed by me as due by you for charges.

..... (Signed)
Date Bailee

- (1) Give a sufficient description of the goods.
- (2) Give the nature of the dispute and the manner in which it arose.
- (3) Insert name and address of person, firm or company with whom the
goods were bailed.

FORM 5

sections 10 and 21(1)

Disposal of Uncollected Goods Ordinance

APPLICATION UNDER PART II TO LOCAL COURT TO DETERMINE A DISPUTE

No.

In the Local Court
of

BETWEEN

.....)
of)

Applicant

and

.....)
of)

Respondent

1. On of 19..., at a dispute arose between the applicant and the respondent concerning goods in the possession of the applicant/respondent (1) under the following circumstances: (2)
2. The applicant hereby applies for a determination of that dispute.

Dated the day of 19....

(Signed)
Applicant, or Applicant's
Solicitor

This application will be heard in the Local Court at, at o'clock, on the day of, 19....

.....
Clerk

TO The Respondent)

(3)

and TO)

If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of the application, the Court may make orders in your absence.

-
- (1) Strike out whichever is inapplicable.
 - (2) Set out short particulars of circumstances.
 - (3) A copy of this application must be served on the respondent and any other person interested in or likely to be affected by the application.

FORM 6

sections 13(1)(a) and 23(2) and (5)

Disposal of Uncollected Goods Ordinance

NOTICE UNDER PART III OF INTENTION TO APPLY TO COURT FOR AN
ORDER TO SELL GOODS IN POSSESSION WHERE SECTION 12(1)(a)
APPLIES

To the Commissioner of Police,

and To (1)

1. The following goods: (2)
..... came into the possession of
..... on the in the following circumstances:
(3)
2. I am unaware of the identity or the whereabouts of the person through whom I came into possession of the goods.
3. Unless not more than one month after the giving of this notice the person entitled to possession of the goods takes possession of the goods, it is intended to make an application to the Court for an order to sell the goods in accordance with the Ordinance.

..... (Signed)
Date Person in possession of goods

-
- (1) Copies of this notice must also be sent to every other person, if any, that the person in possession has reason to believe has or claims to have an interest in the goods.
 - (2) Give a sufficient description of the goods.
 - (3) Set out short particulars of circumstances.

FORM 7

sections 13(1)(b) and 23(2) and (5)

Disposal of Uncollected Goods Ordinance

NOTICE UNDER PART III OF INTENTION TO APPLY TO COURT FOR AN ORDER TO DISPOSE OF GOODS IN POSSESSION OTHERWISE THAN UNDER A BAILMENT, WHERE SECTION 12(1)(b) APPLIES

To (1)
of

1. On at, the following goods (2)
.....
..... now situated at
came, through you, into the possession of (3)
..... of
under the following circumstances: (4)
.....

2. Unless not more than one month from the date of the giving of this notice you relieve the abovenamed of possession of the goods, it is intended to make an application to the Court for an order to sell them in accordance with the Ordinance.

..... (Signed)
Date Person in possession of the goods

NOTE: Copies of this notice must also be sent to the Commissioner of Police and to every other person, if any, that the person in possession has reason to believe has or claims to have an interest in the goods.

-
- (1) Name and address of person through whom possession was acquired.
 - (2) Give a sufficient description of the goods.
 - (3) Insert name and address of person in possession of the goods.
 - (4) Set out short particulars of circumstances.

FORM 8

sections 13(1)(c) and 23(2) and (5)

Disposal of Uncollected Goods Ordinance

NOTICE UNDER PART III OF INTENTION TO APPLY TO COURT FOR AN ORDER TO SELL GOODS UNDER BAILMENT WHERE SECTION 12(1)(c) APPLIES

To
of, Bailor

1. You were given notice on of 19... that the following goods:
(1) situated at were ready for redelivery.
2. (2) A dispute relating to the goods was determined on in the following manner:
3. Unless not more than one month after the date of the giving of this notice you pay the charges lawfully due on the goods and take redelivery of the goods or give directions for their delivery, (3) of, bailee, intends making an application to the Court for an order to sell them in accordance with the Ordinance.

..... (Signed)
Date Bailee

NOTE: Copies of this notice must also be sent to the Commissioner of Police and to every other person, if any, that the bailee has reason to believe has or claims to have an interest in the goods.

-
- (1) Give a sufficient description of the goods.
 - (2) Strike paragraph out if there was no dispute.
 - (3) Insert name and address of the person, firm or company with whom the goods were bailed.

FORM 9

sections 12(1)(a) and 21(1)

Disposal of Uncollected Goods Ordinance

APPLICATION UNDER PART III FOR AN ORDER TO DISPOSE OF GOODS
IN POSSESSION OTHERWISE THAN UNDER A BAILMENT WHERE
SECTION 12(1)(a) APPLIES

No.

In the Local Court
of

.....)
of)

Applicant

1. On the day of 19...., at the applicant came into possession of the following goods: (1) under the following circumstances: (2)
2. The applicant is unaware of the identity or whereabouts of the person through whom he came into possession of the goods.
3. The applicant applies for an order to sell the goods in accordance with the Ordinance.

Dated this day of 19....

(Signed)
Applicant or Applicant's
Solicitor

NOTE: It is not intended to serve this application on any person other than:
(3)

This application will be heard in the Local Court at, at
o'clock on the day of, 19....

.....Clerk

TO The Commissioner of Police and
(3)

- (1) Give a sufficient description of the goods.
- (2) Set out short particulars of circumstances.
- (3) A copy of this application must be served on the Commissioner of Police and any other person that the applicant has reason to believe has or claims to have an interest in the goods.

FORM 10

sections 12(1)(b) and 21(1)

Disposal of Uncollected Goods Ordinance

APPLICATION UNDER PART III FOR AN ORDER TO DISPOSE OF GOODS
IN POSSESSION OTHERWISE THAN UNDER A BAILMENT IN THE
COURSE OF A BUSINESS, WHERE SECTION 12(1)(b) APPLIES

No.

In the Local Court
of

BETWEEN

.....)
of)

Applicant

and

.....)
of)

Respondent

1. On the day of 19...., the applicant, came into possession of the following goods: (1) through the respondent, under the following circumstances: (2)
2. The respondent has failed to relieve the applicant of the possession of the goods.
3. The applicant hereby applies for an order to sell the goods in accordance with the Ordinance.

Dated this day of 19....

(Signed)
Applicant, or Applicant's
Solicitor

This application will be heard in the Local Court at, at
o'clock, on the day of, 19....

.....
Clerk

TO The Respondent)

(3)

TO)

If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence.

-
- (1) Give a sufficient description of the goods.
 - (2) Set out short particulars of circumstances.
 - (3) A copy of this application must be served on the respondent, every other person that the applicant has reason to believe has or claims to have an interest in the goods and the Commissioner of Police.

FORM 11

sections 12(1)(c) and 21(1)

Disposal of Uncollected Goods Ordinance

APPLICATION UNDER PART III FOR AN ORDER TO SELL GOODS
SUBJECT TO BAILMENT

In the Local Court
of

BETWEEN

.....)
of)

Applicant

and

.....)
of)

Respondent

1. On the day of 19...., the respondent entrusted to the applicant the following goods: (1)
2. I claim the amount of \$..... as being due by the respondent for charges.
3. I estimate the value of the goods to be \$.....
4. The applicant hereby applies for an order to sell the goods in accordance with the Ordinance.

Dated the day of 19....

(Signed)
Applicant, or Applicant's
Solicitor

This application will be heard in the Local Court at, at
o'clock, on the day of, 19....

.....
Clerk

TO The Respondent)

(2)

and TO)

If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of this application the Court may make orders in your absence.

-
- (1) Give a sufficient description of the goods.
 - (2) A copy of this application must be served on the respondent, every other person that the applicant has reason to believe has or claims to have an interest in the goods and on the Commissioner of Police.

FORM 12

Sections 16(2)

Disposal of Uncollected Goods Ordinance

APPLICATION UNDER SECTION 16(2) WHERE RESPONDENT WAS KNOWN AT DATE OF ORDER

In the Local Court
of

No. (1)

BETWEEN (2))

.....)
of)
.....)

Applicant

and

.....)
.....)
of

Respondent

1. On of 19...., an order was made in this court allowing the (6)Applicant/Respondent to sell or dispose of the following goods:(3)
2. The terms of the order were (4)
3. A dispute has arisen between the parties, as follows (5)
4. The (6) Applicant/Respondent applies to have the dispute determined.

Dated the day of 19....

(Signed)
(6) Applicant/Respondent
or his Solicitor

This application will be heard in the Local Court at, at
o'clock, on the day of, 19....

.....
Clerk

TO The (6) Applicant/Respondent

If you do not attend either in person or by your counsel or solicitor at the time and place fixed above for the hearing of the application, the Court may make orders in your absence.

- (1) Insert court reference number as in original application.
- (2) Insert names and addresses of parties as in original application.
- (3) Give a sufficient description of the goods.
- (4) Set out concisely terms of order.
- (5) Set out briefly particulars of the dispute.
- (6) Strike out whichever is inapplicable.

FORM 13

section 18(1)

Disposal of Uncollected Goods Ordinance

RECORD OF GOODS SOLD OR DISPOSED OF

Name of person authorized to sell or dispose of goods

No. (1)

Name of Bailor or person through whom possession was acquired	Description of goods	Where goods sold				Where goods destroyed, name and address of person destroying and date and place of destruction	Where goods otherwise disposed of, details of manner of disposal and person disposing
		Date and place of sale	Name and address of person conducting sale	Amount of gross proceeds	Charges paid		

STATEMENT

(2)

-
- (1) Where goods are sold or disposed of pursuant to an order of the Court insert court reference number.
 - (2) Specify each item of charges made by person selling or disposing of goods.

ENDNOTES

1 KEY

Key to abbreviations

amd = amended
app = appendix
bl = by-law
ch = Chapter
cl = clause
div = Division
exp = expires/expired
f = forms
Gaz = Gazette
hdg = heading
ins = inserted
lt = long title
nc = not commenced

od = order
om = omitted
pt = Part
r = regulation/rule
rem = remainder
renum = renumbered
rep = repealed
s = section
sch = Schedule
sdiv = Subdivision
SL = Subordinate Legislation
sub = substituted

2 LIST OF LEGISLATION

Disposal of Uncollected Goods Regulations (SL No. 8, 1977)

Notified	24 June 1977
Commenced	17 June 1977 (r 2, s 2 <i>Disposal of Uncollected Goods Ordinance 1976</i> (Act No. 45, 1976) and Gaz No. 24, 17 June 1977, p 916)