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c 42 The Assignment of Book Debts Amendment Act, 1970

Ontario

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CHAPTER 42

**An Act to amend
The Assignment of Book Debts Act**

*Assented to June 26th, 1970
Session Prorogued November 13th, 1970*

HER MAJESTY, by and with the advice and consent^{of} of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assignment of Book Debts Act* is amended<sup>R.S.O. 1960,
c. 24, s. 1,
amended</sup> by adding thereto the following clauses:

(ea) "prescribed form" means a form provided or approved under this Act by the registrar;

.

(ga) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*, c. 73.

2. Section 15 of *The Assignment of Book Debts Act* is<sup>R.S.O. 1960,
c. 24, s. 15,
amended</sup> amended by inserting after "assignment" in the sixth line "or in any prescribed form relating thereto", so that the section shall read as follows:

15. No defect or irregularity in the execution or attestation<sup>Defects and
Irregularities</sup> of an assignment or other document, and no defect, irregularity or omission in an affidavit accompanying an assignment or filed in connection with its registration, and no error of a clerical nature or in an immaterial or non-essential part of an assignment or in any prescribed form relating thereto, invalidates or destroys the effect of the assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled a person whose interests are affected by the assignment.

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. a,
amended

3.—(1) Clause *a* of section 20 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “full”, so that the clause shall read as follows:

(a) the name and address of the assignor.

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. b,
amended

(2) Clause *b* of the said section 20 is amended by striking out “full”, so that the clause shall read as follows:

(b) the name and address of the assignee.

Names and
addresses
not set forth
in full, etc.

(3) An assignment registered on or after the 1st day of January, 1968, and before the day this section comes into force, is not invalidated nor is its effect destroyed by reason only of a failure to set out therein in full the name and address of the assignor or assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the assignment, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 24, s. 21
(1967, c. 5,
s. 2), subs. 1,
amended

4. Subsection 1 of section 21 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “containing the particulars mentioned in section 20” in the fifth and sixth lines, so that the subsection shall read as follows:

Expiry of
existing
registrations

(1) Every registration made under this Act before the 1st day of January, 1968, expires on the anniversary date of the original registration next after the 1st day of January, 1971, unless a renewal statement in the prescribed form is registered before such anniversary date.

R.S.O. 1960,
c. 24,
amended

5. *The Assignment of Book Debts Act* is amended by adding thereto the following sections:

When instru-
ments
tendered for
registration
to be accom-
panied by
statement

22. Where required by the regulations made under this Act, an assignment, certificate of discharge or other instrument shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth on the prescribed form the information prescribed by the regulations made under this Act.

Regulations

23. The Lieutenant Governor in Council may make regulations,

(a)

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring that the forms of statements to be used shall be those provided or approved by the registrar;
- (c) prescribing the form of renewal statements;
- (d) defining any expression used in the regulations;
- (e) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a form of statement prescribed under this Act; R.S.O. 1960, c. 191
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

6. This Act comes into force on the day it receives Royal Assent. Commence-
ment

7. This Act may be cited as *The Assignment of Book Debts Amendment Act, 1970*. Short title

