

THE HIRE-PURCHASE ACT

REGULATIONS
(under section 38)

THE HIRE-PURCHASE REGULATIONS, 1974

(Made by the Minister on the 25th day of September, 1974)

L.N. 412B/74
Amd:
L.N. 459/74

[1st October, 1974.]

1. These Regulations may be cited as the Hire-Purchase Regulations, 1974.
2. In these Regulations "vendor's bailiff" means any person who is employed by a vendor—
 - (a) to serve any notice; or
 - (b) to collect any moneys; or
 - (c) to recover possession of any goods, on the vendor's behalf pursuant to Part III of the Act.
3. The rate of interest payable by a purchaser in respect of any insurance effected pursuant to section 21 of the Act shall be such rates as does not exceed the prime lending rate of the commercial banks by more than two per cent.
4. A notice of default shall be in the form specified as Form A in the First Schedule.
5. A notice of repossession shall be in the form specified as Form B in the First Schedule.
6. Where, pursuant to section 24 of the Act, a vendor serves on a purchaser a notice of default, he shall not serve a notice of repossession or seek to repossess the goods the subject of the notice before the period specified in the notice of default (which period shall be not less than seven days) has elapsed.
7. Any person who—
 - (a) acts or represents or holds himself out as a vendor's bailiff without obtaining a licence in accordance with the provisions of these Regulations; or

First
Schedule.

- (b) employs any person who is not duly licensed to act as a vendor's bailiff; or
- (c) being duly licensed, permits any other person to use his licence,

shall be guilty of an offence and shall be liable on summary conviction thereof before a Resident Magistrate to a fine not exceeding one hundred dollars and, in default of payment, to imprisonment for a term not exceeding three months.

8. Any person who desires a licence to act as a vendor's bailiff for the purposes of the Act shall make an application for such licence in the parish in which he resides and shall, not less than ten days before a sitting of the Resident Magistrate's Court at which his application is to be considered, deposit with the Collector, or Assistant Collector, of Taxes of the parish the sum of two dollars, and obtain from the Collector a receipt for the amount deposited, which receipt shall be produced for the inspection of the Resident Magistrate when he is considering the application.

9. Every applicant for a licence under these Regulations shall, not less than ten days before a sitting of the Resident Magistrate's Court—

- (a) deliver to the Clerk of the Courts an application written and signed by himself for a licence to act as a vendor's bailiff; and
- (b) give notice of his intention to apply for such licence to the Superintendent of Police for the parish in which his application is made.

10. Every application made and notice given pursuant to regulation 9 shall contain the following information in respect of the applicant—

- (a) his name, address, and occupation;
- (b) whether any judgement has been obtained against him for misapplying or not accounting for moneys which have come into his hands;
- (c) whether he has been convicted of larceny, embezzlement, receiving stolen property knowing it to have been stolen, or of obtaining money or chattels by false pretences;
- (d) whether he is an undischarged bankrupt;
- (e) whether he has been convicted of any offence involving violence; and

(f) the time and place of the intended application, and every application shall be accompanied by a recommendation in writing from two Justices of the Peace of the parish and by a letter in support of the application, signed by the vendor by whom he is employed or, where the vendor is a limited liability company by a responsible official of that company.

11.—(1) The Superintendent of Police of the parish in which the applicant resides shall make enquiries whether the applicant is a proper person to act as a vendor's bailiff and shall endorse on the notice the result of his enquiries and shall forward the notice so endorsed to the Clerk of the Courts to be laid before the Resident Magistrate when he is considering the application.

(2) If the report is unfavourable to the applicant, the Police Officer making such report shall attend the court at the time when the Resident Magistrate is considering the application and shall afford such information on oath as may be required of him.

12. The Resident Magistrate shall hear and deal with all applications presented as aforesaid, and shall, after examining the applicant as to the nature of his duties, and considering his fitness to be a vendor's bailiff, in his discretion grant or refuse the application.

13. In every case where the Resident Magistrate grants the application the Clerk of the Courts shall issue to the applicant a licence in the form specified in the Second Schedule.

Second
Schedule.

14. A licence shall, unless previously cancelled, continue in force for one year from its date.

15. Where the Resident Magistrate refuses the application the Clerk of the Courts shall give the applicant a certificate to that effect, and the Collector, or Assistant Collector, of Taxes shall, on presentation of that certificate, refund to the applicant the amount deposited by the applicant.

16. A list of all persons to whom licences are granted under these Regulations shall be published annually in the *Gazette*.

17. If any licensed vendor's bailiff—

- (a) is convicted of larceny, embezzlement, receiving stolen property knowing it to have been stolen, or obtaining money or chattels by false pretences; or

- (b) has judgement entered against him for misapplying or not accounting for moneys; or
 - (c) is adjudicated bankrupt; or
 - (d) is convicted of any offence involving violence,
- his licence shall be cancelled and he shall be disqualified from holding a licence under these Regulations.

18. Any applicant for a licence who makes any false statement in his application shall be guilty of an offence, and, on summary conviction thereof before a Resident Magistrate shall be liable to a fine not exceeding one hundred dollars and, in default of payment, to imprisonment for a term not exceeding three months.

19. Any vendor who employs a licensed vendor's bailiff shall provide such bailiff with a card or other document signed by the vendor (or, where the vendor is a limited liability company, by a responsible official of such company) and showing—

- (a) the name and address of the vendor; and
- (b) the name and address of the vendor's bailiff.

20. Every licensed vendor's bailiff shall, at the time of serving any notice, or recovering possession of any goods or collecting any moneys on behalf of the vendor, show his licence and his card or other document if called upon to do so.

21. A vendor or a vendor's bailiff shall not enter the premises of a purchaser for the purpose of recovering possession of any goods except between the hours of six o'clock in the morning and six o'clock in the evening from Monday to Saturday (inclusive) in any week.

22. A licensed vendor's bailiff shall, at the time of recovering possession of any goods, take with him a copy of the notice of repossession and shall show such notice to the purchaser and leave it with the purchaser.

FORM A FIRST SCHEDULE (Regulations 4 and 5) THE HIRE-PURCHASE ACT Notice of Default

To:.....

Address:.....

Take notice that the sum of , being instalment(s)/ other sum(s) due and payable in respect of the purchase by you of a pursuant to

Hire-Purchase } Conditional Sale } Agreement between yourself and has remained unpaid for a period of months.

This is to require you to make payment of the aforesaid sum within days of the date hereof, in default of which the aforesaid will be repossessed.

Dated this day of , 19 .

..... for vendor

FORM B THE HIRE-PURCHASE ACT Notice of Repossession

To:.....

Address:.....

Hire-Purchase } Conditional Sale } Agreement dated.....betweenand.....in

respect of a.....

Notice of Default dated.....sum unpaid \$.....

Take notice that the period of.....days specified in the abovementioned Notice of Default having expired without payment being made, it is now the intention of.....to repossess the aforesaid.....

Dated this day of , 19 .

..... (for vendor)

SECOND SCHEDULE (Regulation 13)
 THE HIRE-PURCHASE ACT
Licence

No.....Parish of.....

This is to certify that at a sitting of the Resident Magistrate's Court for
 the parish of.....held at.....

....., on the.....of....., 19.....

Name.....address.....
 was licensed to act as a vendor's bailiff for the purposes and provisions of
 the Hire-Purchase Act and the Hire-Purchase Regulations, 1974.

Dated this day of , 19 .

Clerk of the Courts
 for the parish of