

Queensland



# LIENS ON CROPS OF SUGAR CANE ACT 1931

**Reprinted as in force on 26 April 1994  
(includes amendments up to Act No. 40 of 1992)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 26 April 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use citations and references permitted by Division 2 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit unnecessary referential words as permitted by section 41 of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

**Also see Endnotes for—**

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

# Queensland



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# LIENS ON CROPS OF SUGAR CANE ACT 1931

[as amended by all amendments that commenced on or before 26 April 1994<sup>2</sup>]

## **An Act to amend the laws relating to liens upon crops of sugar cane, and for other purposes consequent thereon**

### **Short title and commencement**

1. This Act may be cited as the *Liens on Crops of Sugar Cane Act 1931* and shall come into operation on a date to be proclaimed by the Governor in Council by proclamation published in the Gazette<sup>3-6</sup>.

### **Interpretation**

2. In the construction and for the purposes of this Act and in all documents purporting to be made or executed thereunder (if not inconsistent with the context and subject-matter), the following terms shall have the respective meanings hereinafter assigned to them, that is to say—

“**Central District**” means the area described as the Central District in Schedule 1 to the *Supreme Court Act 1895*;

“**crop**” means a crop of sugarcane being grown or to be grown for the purpose of being harvested in any one harvesting season;

“**lien**” means the charge (made enforceable under this Act when registered and while subsisting) whereby any crop and the proceeds thereof become security for the discharge of any debt or obligation;

“**lienee**” means a person to whom a lienor gives a lien, or to whom a lien is assigned as provided by this Act, or on whom a lien devolves by operation of law;

“**lienor**” means any owner of a crop who gives a lien as provided by this Act;

“**Northern District**” means the area described as the Northern District in

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Schedule 2 to the *Supreme Court Act 1895*;

**“owner of a crop”** means a person growing or intending to grow a crop who has any legal or equitable right or interest therein and includes a person who is entitled to emblements;

**“owner of a mill”** means a person owning or having control of a sugar-mill and includes the Corporation of the Treasurer created under and for the purposes of the *Sugar Works Guarantee Act 1893*, the *Sugar Works Act 1911*, and the *Co-operative Sugar Works Act 1914*;

**“Register”** means a register of liens on sugarcane required to be kept under this Act;

**“registrar”** means the chief executive of the department;

**“Southern District”** means the area of the State other than the Central District and the Northern District.

### **Owner of crop intending to charge crop to execute an instrument**

**4.(1)** Whenever the owner of any crop or crops intends to charge such crop or crops by way of security for the payment or satisfaction of any debt or liability (whether past or present or future, and whether vested or contingent), such owner shall execute an instrument in the prescribed form.

### **Description of land in instrument**

**(2)** Every such instrument shall contain a description sufficient to identify the land upon which the crop or crops intended to be so charged is or are growing or is or are about to grow, and shall be attested by a witness.

### **Registration of instrument**

**(3)** Every such instrument shall be registered at the prescribed office by filing in such office a true copy of such instrument verified by a statutory declaration in the prescribed form.

### **As to priority of registration**

**(4)** Subject to section 3, all such instruments registered in respect of or affecting the same crop or crops shall be entitled to priority according to the respective times of registration and irrespective of the dates of such instrument.

**(5)** For the purpose of determining such priorities, an officer in such

registry shall endorse on every such instrument registered by the officer the date and time of registration, and shall assign to each such instrument in the order of registration a consecutive number and shall endorse such number thereon.

### **Effect of registration**

**5.(1)** Except as hereinafter provided, the registration of any lien duly registered in accordance with the provisions of this Act shall be deemed to be full and sufficient notice to all persons of such lien.

**(2)** However, that such registration shall not be deemed to be notice so as to affect the security given by any lien already registered for further advances made or to be made.

### **Registrar to keep records**

**6.(1)** A register of registered liens must be kept by the registrar.

**(2)** The register must include the following particulars in relation to each registered lien—

- (a) the name of the lienor and lienee;
- (b) the registration number;
- (c) the date of registration;
- (d) the date of the agreement;
- (e) the consideration given;
- (f) the nature and description of the lien;
- (g) the description of the land to which the lien relates.

### **Discharge of liens**

**7.(1)** On the discharge or satisfaction of a lien, the lienee must, if required to do so by the lienor, endorse the instrument creating the lien with a note to the effect that the lien has been discharged or satisfied.

**(2)** The lienee must sign the note and have the signature witnessed.

**(3)** The registrar must, on production of a lien noted with its discharge or

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satisfaction in accordance with this section, record that fact and the day and time of the registration of that fact—

- (a) in the register of registered liens; and
- (b) on the copy of the lien filed in the registrar's office; and
- (c) on the lien produced to the registrar.

**Power of lienee where lienor neglects to pay off the moneys secured by lien**

**8.(1)** Subject to the provisions of the *Sugar Industry Act 1991* and of any award duly made thereunder and affecting any crop, if a lienor, the lienor's executors, administrators, or assigns shall neglect or refuse either to pay off the whole of the moneys secured by a lien upon such crop with interest as agreed upon as aforesaid, or to give up such crop to such lienee in pursuance of such lien, such lienee, the lienee's executors, administrators, or assigns may himself or herself or by his or her servants or agents, and upon giving notice to the owner of any sugar-mill to which the lands described in such lien may be assigned under the aforesaid Acts, enter upon such land and cultivate, gather, carry away, and sell such crop or crops to the owner of such sugar-mill or to any other person in the manner and subject to the same conditions and to the same effect as the lienor could lawfully have sold the same.

**(2)** However, if such lienor be a tenant then the lienee shall before carrying away any such crop pay to the landlord of the land whereon such crop shall be growing such sum of money as may be due to the landlord for rent at the time of carrying away such crop, provided that the sum so paid shall not exceed 1 year's rent.

**(3)** In addition, if at the time of the registration of such lien there be in force a mortgage or a contract for the purchase by the lienor of the land whereon such crop shall be growing and the land shall at the time of harvesting be in the occupation of the mortgagee or the vendor, such lienee shall before carrying away and selling any such crop pay to the mortgagee or to the vendor the amount of interest, not, however, exceeding 12 months interest, due upon such mortgage or such contract of sale at the time of carrying away and selling such crop.



**Application of proceeds of sugarcane**

**9.(1)** The purchaser of any sugarcane, whether such purchaser is the owner of a mill or not, shall after production to such purchaser of any duly registered lien given over such sugarcane apply the proceeds so far as they are available of all such sugarcane so purchased in such order, and such proceeds are deemed to be charged to such extent as follows, that is to say—

- (a) when an owner of a mill has become entitled under section 8.12 of the *Sugar Industry Act 1991* to any costs of harvesting or other expenses incidental thereto, then in repaying such costs to such owner together with any amount which the owner may with the consent of the lienee have advanced to any person or may himself or herself otherwise than as aforesaid have paid or incurred for the purpose of harvesting such crop;
- (b) in paying to the lienee any sum or sums paid by the lienee under section 8 to a landlord or to a mortgagee or to a vendor for rent or interest;
- (c) unless otherwise stated in the instrument creating the lien, in paying to the lienee any amount paid or incurred under the *Wages Act 1918* or otherwise by the lienee in cultivating or harvesting and carrying away the sugarcane covered by the lienee's lien;
- (d) when the purchaser is the owner of a mill, in paying such levies as such owner may lawfully deduct from such proceeds;
- (e) in paying to the lienee any amount due and owing to such lienee for any moneys secured by such lien;
- (f) however, where a lien is given to the extent of a stated percentage of the proceeds of a crop of sugarcane or a stated amount per ton of such crop, then such purchaser shall under this subsection pay to such lienee such stated percentage only of such proceeds as are available from time to time, or such amount on each ton of cane so realised, as the case may be, towards the satisfaction of the principal moneys and interest secured by the said lien;
- (g) in paying to any second or subsequent lienee in like manner as aforesaid, and in order of the priority of the registration of their respective liens any moneys paid by such lienee for rent or interest under this Act and any amount paid or incurred under the

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*Wages Act 1918* or otherwise for cultivating or harvesting and carrying away such sugarcane, and any moneys secured by such liens.

(2) However, where the sugarcane is harvested by the lienor the purchaser may, if so requested by the lienor, and with the consent of the lienee or the lienee's agent, endorsed upon the instrument creating the lien, advance to the lienor such amount as may reasonably be necessary for payment by the lienor of wages due and payable by the lienor to any employees for harvesting any sugarcane covered by the lien.

(3) Subject to subsections (1) and (2) and subject to any equities affecting such proceeds of which such purchaser shall have had notice, such purchaser shall pay the proceeds of such sugarcane to the lienor.

**Restriction as to continuance of lien**

**10.(1)** A lien may be given over a crop being grown for harvesting and over a succeeding crop or succeeding crops to be grown and harvested thereafter but no lien shall continue in force for a period longer than that period specified in the instrument of lien as being the period for which the lien is to continue in force unless such lien is renewed or further renewed as hereinafter provided.

(2) Where an instrument of lien given over a crop being grown for harvesting or over a succeeding crop or succeeding crops fails to specify a period during which the lien shall continue in force such lien shall not continue in force for a longer period than 1 year from the date thereof unless it is renewed or further renewed as hereinafter provided.

**Further provisions regarding liens**

**11.** Where a lien is given to secure the payment with or without interest of purchase money under an agreement of sale of the land upon which the crop or crops given as security is or are growing or to grow, or to secure the payment with or without interest of a debt owing under a mortgage of such land, or to secure any rent or royalty payable under a lease of such land and where such lien shall contain as a schedule thereto or embodied therein a true copy of such agreement for sale or such mortgage or lease, such lien may be given over the crop or crops growing or to grow on the said land in

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any year or in any year and any subsequent year or years, but such lien shall not continue in force longer than that period specified in the instrument of lien as being the period for which the lien is to continue in force unless renewed as hereinafter provided.

**Provisions as to priority where 2 or more liens given**

**12.(1)** Where 2 or more liens given by way of collateral security to mortgages over the same land shall be renewed they shall take effect as between themselves in the same order of priority as such mortgages and not in the order of the registration of such liens, but no lien given to secure purchase money with or without interest under any agreement of sale, or given as collateral security to a second or subsequent mortgage, or given to secure any rent or royalty payable under a lease shall be renewed after a prior vendor mortgagee or lessor has lawfully entered into possession of such land, unless at the time of the renewal of such lien there shall be filed a written consent thereto signed by such prior vendor or mortgagee or lessor.

**(2)** However, nothing in this section shall affect the priority of any lien which shall be renewed or further renewed under the provisions of section 13.

**Renewal of liens**

**13.** Any lien which shall have been duly registered in accordance with the provisions of this Act upon any crop which at the expiry of the period mentioned in section 10 shall not have been fully harvested may be renewed or further renewed in the manner hereinafter provided, but it shall not be necessary after the crop covered by such lien has been fully harvested to renew a lien in order that such lien shall remain effective against the proceeds of such crop.

**Provision as to renewal of liens**

**14.** In order to renew or further renew any lien which under this Act may be renewed a lienee shall, on or before the day on which the lien would otherwise expire, file in the proper office a statutory declaration stating—

- (a) the amount secured under the lien that is unpaid; and

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- (b) where such is the case, that the crop or crops over which the lien was given have not been fully harvested, or, in the case of a lien given under section 11, that the proceeds of such crop or crops have been insufficient to satisfy the amount secured to the lienee by such lien; and
- (c) the period for which the lienee desires to renew such lien;

and such statutory declaration shall be registered and the renewal of such lien shall be duly noted by the Registrar in the register and upon such lien whereupon, subject to section 12, such lien shall continue and be in force over such crop or the proceeds of such crop for the period stated in such statutory declaration but not exceeding—

- (d) in any case where there is exhibited to such statutory declaration an agreement in writing between the lienor and the lienee executed by both of them wherein it is agreed that the lien may be renewed or further renewed for a period specified therein exceeding 1 year from the date of filing of the statutory declaration referred to in this section—that period; or
- (e) in any other case—1 year from the date of filing such statutory declaration;

and shall be entitled to the same priority over all other liens as it had prior to such renewal.

**Liens not affected by sale etc. of land**

**15.** No lien given in good faith and for valuable consideration and duly registered shall be extinguished or otherwise prejudicially affected by any sale, assignment, partition, lease, agreement for a lease, mortgage, or encumbrance of or other dealing with the land on which any such crop may be growing or shall be grown, or by the surrender of any lease, or by the death of the lienor, or by any re-entry or foreclosure by any vendor, lessor, mortgagee, or encumbrancee or other person than a lienee entitled thereto under this Act.

**Priority**

**16.(1)** Save as otherwise provided by this Act, no lien, charge, security, or claim shall have preference or priority over any lien duly registered under

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and in accordance with the provisions of this Act.

(1A) Nothing in this Act shall prejudice or in any wise affect the provisions of the *Wages Act 1918*.

(2) Notwithstanding anything in this Act or in any other Act or law to the contrary the proceeds of any sugarcane shall be applied in satisfaction of any sum lawfully payable and not duly paid to any Cane Protection and Productivity Board constituted under the *Sugar Industry Act 1991* for the supplying of any fumigant, insecticide, fungicide, poison, or other material, or more than 1 of those materials, for the purpose of the control with respect to that sugarcane of any pest within the meaning of that Act and for any services rendered in connection with the use of that material for that purpose, in priority to all other sums, secured or unsecured, payable from such proceeds including any sum due and owing to any lienee and secured by a lien duly registered under this Act and in force over that sugarcane.

(3) Notice to any person who has in the person's hands the proceeds of any sugarcane of any aforementioned sum so payable and not paid to any Board as aforesaid shall render that person liable, to the extent of such proceeds, for the payment of that sum to that Board and such sum may be recovered from the person as if the person were a debtor to that Board.

(4) Without prejudice to any other mode of proof—

- (a) a certificate in writing of the Board concerned certifying that the sum therein specified is then lawfully payable and has not been duly paid to that Board for the supplying of the material therein stated for the purpose of the control with respect to sugarcane grown during the calendar year therein mentioned on the land therein sufficiently described for identification purposes of any pest within the meaning of the *Sugar Industry Act 1991* and for the services as specified rendered in connection with the use of that material for that purpose, shall be received in evidence and shall be evidence of the facts therein stated, and in the absence of evidence in rebuttal thereof, shall be conclusive evidence of those facts; and
- (b) any person shall be deemed to have had notice of any aforementioned sum so payable and not paid to any Board as aforesaid if and when a certificate in writing as referred to in paragraph (a) is delivered to the person.

**Production of lien to owner of mill**

17. Every lienee under a lien given over a crop growing or to grow on land the whole or any part of which is assigned to a mill shall after the registration, renewal of registration, assignment, transfer, satisfaction, or discharge thereof produce such lien to the owner of such mill, and in the case of a first registration of such lien shall leave with such mill a true copy of such lien as registered, and the owner of such mill shall if required by the lienee acknowledge in writing endorsed upon such lien the production of such lien and the receipt of such copy, and until such lien or such renewed, assigned, transferred, satisfied, or discharged lien shall be so produced no mill shall be affected by the registration, renewal, assignment, transfer, satisfaction, or discharge of such lien as to any proceeds of sugarcane paid out before such production; but after production of such lien, unless such lien shall have been satisfied or discharged, the lienee or the assignee or transferee under such lien shall be entitled to be paid from the proceeds then next available and, so far as the said proceeds are sufficient, such amount as the person would have received if such lien or renewed or assigned or transferred lien had been produced.

**Place of registration**

18.(1) A lien or the transfer, assignment or renewal of a lien may be registered or renewed at the office of the registrar in the district prescribed by this section.

(2) If the crop is described in the instrument creating the lien (the “**instrument**”) as being at a place—

- (a) in the Central District; or
- (b) in the Northern District; or
- (c) in the Southern District;

the instrument, transfer or assignment must be registered, or the registration renewed, at the office of the registrar in the district in which the place is located.

(3) If the crop is described in the instrument as being at places located in different districts, the instrument, transfer or assignment must be registered, or the registration renewed, in each of the districts in which the crop is described as located.

(4) If a lien, transfer or assignment that is required under subsection (3) to be registered, and its registration renewed, in more than 1 district is not registered or renewed in each of the districts, the lien, transfer or assignment is taken to be unregistered so far as it relates to the crop that is in the district in which the lien, transfer or assignment has not been registered or its registration renewed.

### **Assignment or transfer of lien by endorsement**

19.(1) Every lien registered under this Act may be assigned or transferred by endorsement, and upon the registration of such assignment or transfer by filing in the proper office an affidavit containing a true copy of such endorsement and verifying the same, all the right, title, interest, powers, and remedies of the lienee under such lien shall pass to and vest in the transferee as from the date of execution of such transfer.

(2) However, no such transfer shall affect or create any liability in respect of any payment made by the purchaser of any crop of sugarcane referred to in such lien prior to such transfer being produced to such purchaser.

### **Power of search of register for obtaining copies**

20. Any person may, during the usual hours of business and upon payment of the prescribed fee, search the register kept at any office, and shall be entitled to obtain an office copy or extract from any instrument filed in such office, and any copy of an instrument purporting to be an office copy thereof shall in all courts and before all arbitrators or other persons be admitted as prima facie evidence of the contents of such instrument and of the fact and date of registration or filing as shown thereon.

### **Judge may order extension of time or correction of errors**

22. A Judge of the Supreme Court, on being satisfied that the omission to file or register any instrument or renew any registration within the time prescribed by this Act, or that any omission or inaccuracy in any statement or in the process of filing or registration of any instrument was unavoidable or due to inadvertence, may in the Judge's discretion order such omission or inaccuracy to be rectified, and may extend the time for such filing or registration, and may order any instrument, register, or book to be corrected

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or amended on such terms and conditions as to notice by advertisement, security, or otherwise as the Judge may think fit.

**Non-application of Bills of Sale Act etc.**

**23.(1)** A lien under this Act shall not be included in the term ‘**bill of sale**’ under the *Bills of Sale Act 1891*.

**(2)** The provisions of this Act relating to registration shall not apply to any lien on crops of sugarcane given by any person to the Crown as defined by the *State Securities Registration Act 1925* and registrable under such Act but the provisions of that Act in respect of such liens shall continue in full force and effect and for the purpose of determining priority under this Act between or among liens, registration under the said *State Securities Registration Act 1925* of any such lien as is first mentioned in this subsection shall have the same effect as and be deemed to be registration under this Act.

**Delegations**

**23A.** The registrar may delegate the registrar’s powers under this Act to an officer or employee of the department.

**Rules of court**

**24.** The Governor in Council, with the concurrence of any 2 or more of the Judges of the Supreme Court, may from time to time by order in council published in the Gazette make such rules of court as may be necessary or convenient to give full effect to the objects and purposes of this Act, and the provisions of section 11 of the *Supreme Court Act 1921* shall, *mutatis mutandis*, apply and extend accordingly.

**Regulations**

**25.(1)** The Governor in Council may make regulations for the purposes of this Act.

**(2)** A regulation may make provision with respect to the prescribing of fees and charges.



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**ENDNOTES****1 Index to Endnotes**

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 26 April 1994. Future amendments of the Liens on Crops of Sugar Cane Act 1931 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

**3 List of legislation****Liens on Crops of Sugar Cane Act 1931 22 Geo 5 No. 37**

date of assent 24 December 1931

commenced 11 January 1932 (proc pubd Gaz 9 January 1932 p 28)

as amended by—

**Liens on Crops of Sugar Cane Act Amendment Act 1933 24 Geo 5 No. 4**

date of assent 11 October 1933

s 3 commenced 14 January 1932 (see s 3)

remaining provisions commenced on date of assent

**Liens on Crops of Sugar Cane Acts Amendment Act 1951 15 Geo 6 No. 29**

date of assent 11 October 1951

commenced on date of assent

**Liens on Crops of Sugar Cane Acts Amendment Act 1961 10 Eliz 2 No. 47**

date of assent 14 December 1961

commenced on date of assent

**Decimal Currency Act 1965 No. 61 s 11 Sch 2**

date of assent 23 December 1965

commenced 14 February 1966 (see s 1(2))

**Bills of Sale and Other Instruments Act and Other Acts Amendment Act 1971  
No. 10 Pt 3**

date of assent 16 April 1971

commenced 29 January 1973 (proc pubd Gaz 27 January 1973 p 355)

**Liens on Crops of Sugar Cane Act Amendment Act 1975 No. 54**

date of assent 4 November 1975

commenced 1 December 1975 (proc pubd Gaz 15 November 1975 p 1099)

**Sugar Experiment Stations Act and Another Act Amendment Act 1981 No. 7  
Pt 3**

date of assent 30 March 1981

commenced on date of assent

**Administration of Commercial Laws Act and Other Acts Amendment Act 1981  
No. 57 Pt 8**

date of assent 12 June 1981

commenced 1 July 1982 (proc pubd Gaz 29 June 1982 p 2101)

**Corporations (Consequential Amendments) Act 1990 No. 99 s 3.1 Sch**

date of assent 12 December 1990

commenced 1 January 1991 (proc pubd Gaz 22 December 1990 p 2270)

**Sugar Industry Act 1991 No. 20 Pt 14 Div 4**

date of assent 1 May 1991

commenced 15 July 1991 (1991 SL No. 19)

**Justice Legislation (Miscellaneous Provisions) Act 1992 No. 40 ss 2(1)(e), 163  
Sch 1**

date of assent 14 August 1992

amendments 4–7, 11, 14 commenced 1 April 1994 (1994 SL No. 94)

remaining provisions commenced on date of assent

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### Interpretation

- s 2      def **“Assistant Commissioner”** ins 1971 No. 10 s 20  
           om 1981 No. 57 s 27  
           def **“Central District”** ins 1992 No. 40 s 163 Sch 1  
           def **“Commissioner”** ins 1971 No. 10 s 20  
           om 1981 No. 57 s 27  
           def **“Northern District”** ins 1992 No. 40 s 163 Sch 1  
           def **“Registrar”** ins 1981 No. 57 s 27  
           amd 1990 No. 99 s 3.1(1) Sch  
           om 1992 No. 40 s 163 Sch 1  
           def **“registrar”** ins 1992 No. 40 s 163 Sch 1  
           def **“Southern District”** ins 1992 No. 40 s 163 Sch 1

### Repeal of certain Acts and savings

- s 3      amd 1971 No. 10 s 24  
           om 1992 No. 40 s 163 Sch 1

### Owner of crop intending to charge crop to execute an instrument

- prov hdg amd 1992 No. 40 s 163 Sch 1  
 s 4      amd 1971 No. 10 ss 21, 24; 1992 No. 40 s 163 Sch 1

### Registrar to keep records

- s 6      amd 1971 No. 10 s 24  
           sub 1992 No. 40 s 163 Sch 1

### Discharge of liens

- s 7      amd 1971 No. 10 s 24  
           sub 1992 No. 40 s 163 Sch 1

**Power of lienee where lienor neglects to pay off the moneys secured by lien**  
**s 8** amd 1991 No. 20 s 14.20

**Application of proceeds of sugarcane**  
**s 9** amd 1991 No. 20 s 14.21

**Restriction as to continuance of lien**  
**s 10** sub 1981 No. 7 s 6

**Further provisions regarding liens**  
**s 11** amd 1981 No. 7 s 7

**Provision as to renewal of liens**  
**s 14** amd 1971 No. 10 ss 22, 24  
sub 1981 No. 7 s 8  
amd 1981 No. 57 s 28; 1992 No. 40 s 163 Sch 1

**Priority**  
**s 16** amd 1933 24 Geo 5 No. 4 s 2; 1951 15 Geo 6 No. 29 s 2; 1991 No. 20  
s 14.22

**Place of registration**  
**s 18** amd 1961 10 Eliz 2 No. 47 s 2; 1971 No. 10 ss 23–24; 1981 No. 57 s 29  
sub 1992 No. 40 s 163 Sch 1

**Assignment or transfer of lien by endorsement**  
**s 19** amd 1971 No. 10 s 24

**Power of search of register for obtaining copies**  
**s 20** amd 1971 No. 10 s 24

**Fees**  
**s 21** amd 1961 10 Eliz 2 No. 47 s 4  
sub 1965 No. 61 s 11 Sch 2; 1975 No. 54 s 3  
om 1992 No. 40 s 163 Sch 1

**Non-application of Bills of Sales Acts etc.**  
**s 23** amd 1933 24 Geo 5 No. 4 s 3

**Delegations**  
**s 23A** ins 1992 No. 40 s 163 Sch 1

**Rules of court**  
**s 24** ins 1933 24 Geo 5 No. 4 s 4

**Regulations**  
**s 25** ins 1992 No. 40 s 163 Sch 1

**SCHEDULE A—FORM OF AGREEMENT**  
om 1992 No. 40 s 163 Sch 1

**SCHEDULE B**  
amd 1971 No. 10 s 25; 1981 No. 57 s 29  
om 1992 No. 40 s 163 Sch 1

**SCHEDULE C**  
om 1992 No. 40 s 163 Sch 1

## 5 Table of renumbered provisions

### TABLE OF RENUMBERED PROVISIONS under section 43 of the Reprints Act 1992

Previous	Renumbered as
4(4) (2nd sentence)	4(5)
5 (1st sentence)	5(1)
5 (2nd sentence)	5(2)
8 (1st sentence)	8(1)
8 (2nd sentence)	8(2)
8 (3rd sentence)	8(3)
9(1)(i)	9(1)(a)
9(1)(ii)	9(1)(b)
9(1)(iii)	9(1)(c)
9(1)(iv)	9(1)(d)
9(1)(v)	9(1)(e)
9(1)(v) (proviso)	9(1)(f)
9(1)(vi)	9(1)(g)
12 (1st sentence)	12(1)
12 (2nd sentence)	12(2)
16(1) (2nd sentence)	16(1A)
16(2) (2nd sentence)	16(3)
16(2) (3rd sentence)	16(4)
19 (1st sentence)	19(1)
19 (proviso)	19(2)

## 6 Transitional and savings provisions

**Bills of Sale and Other Instruments Act and Other Acts Amendment Act 1971 s 26 provides—**

### **Transitional**

**26.(1)** The Registrar of the Supreme Court at Brisbane shall, on the commencement of this Act, transmit to the Commissioner at his office at Brisbane the register book kept by the Registrar under the Principal Act, and the index thereto, and all copies of instruments, verifying affidavits and other documents filed in his registry under the Principal Act and all records therein relating to such instruments and documents.

**(2)** The Registrar of the Supreme Court at Townsville shall, on the commencement of this Act, transmit to the Assistant Commissioner at the

Commissioner's office at Townsville the register book kept by the Registrar under the Principal Act, and the index thereto, and all copies of instruments, verifying affidavits and other documents filed in his registry under the Principal Act and all records therein relating to such instruments and documents.

(3) The Registrar of the Supreme Court at Rockhampton shall, on the commencement of this Act, transmit to the Assistant Commissioner at the Commissioner's office at Rockhampton the register book kept by the Registrar under the Principal Act, and the index thereto, and all copies of instruments, verifying affidavits and other documents filed in his registry under the Principal Act and all records therein relating to such instruments and documents.

(4) The Commissioner shall keep in his office at Brisbane, Townsville and Rockhampton respectively the register books, indices thereto, and all copies of instruments, verifying affidavits and other documents and records transmitted pursuant to this section to him or an Assistant Commissioner at those offices respectively and such register books and indices shall be the register books and indices required by the Principal Act as amended by this Act to be kept in those offices respectively.