

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE



No. 24 of 1986

An Act to provide for the registration of instruments creating security interests in motor vehicles and trailers, to amend the Bills of Sale and Other Instruments Act 1955-1981 in certain particulars and for other purposes

[ASSENTED TO 8TH APRIL, 1986]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Motor Vehicles Securities Act 1986*.

2. Commencement. (1) Section 1 and this section shall commence on the date on which this Act is assented to for and on behalf of Her Majesty.

(2) Section 3 shall commence on a date appointed by Proclamation.

(3) Except as provided by subsections (1) and (2), the provisions of this Act shall commence on a date appointed by Proclamation.

3. Transitional provisions. (1) Upon the commencement of this section, a person who is the holder of a security interest whether wholly or in part in respect of a motor vehicle evidenced by an instrument that is registered under the *Bills of Sale and Other Instruments Act 1955-1981* may make application to the Registrar in the prescribed manner and form for that instrument, to the extent that the security interest relates to a motor vehicle, to be registered under this Act.

(2) Upon the commencement of section 6 an instrument that—

(a) is the subject of an application duly made pursuant to subsection (1);

and

(b) immediately before that commencement, is registered under the *Bills of Sale and Other Instruments Act 1955-1981*,

shall, to the extent that the security interest relates to a motor vehicle, be deemed to have been registered under this Act at the time of its registration under the *Bills of Sale and Other Instruments Act 1955-1981* and the provisions of this Act shall apply accordingly.

(3) As soon as practicable after the commencement of section 6, the Registrar, in respect of each instrument deemed pursuant to subsection (2) to be registered under this Act, shall—

(a) enter in the register the particulars prescribed by section 6;

(b) give the instrument a number according to the time of its registration under the *Bills of Sale and Other Instruments Act 1955-1981*;

(c) endorse on the copy of the instrument filed, pursuant to the *Bills of Sale and Other Instruments Act 1955-1981* and on each document of transfer or memorandum of satisfaction registered under that Act in respect of that instrument the registration number given pursuant to paragraph (b).

(4) Whenever an instrument or a document of assignment or memorandum of satisfaction of an instrument registered under the *Bills of Sale and Other Instruments Act 1955-1981* and deemed to be registered

under this Act (other than the copy thereof referred to in paragraph (c) of subsection (3)) is lodged with the Registrar, he shall endorse on it the registration number given to the corresponding instrument pursuant to subsection (3).

(5) The Governor in Council may make regulations prescribing the manner and form of applications to be made pursuant to this section.

4. Amendment of Bills of Sale and Other Instruments Act. (1) The *Bills of Sale and Other Instruments Act 1955-1981* is amended by adding after section 11 the following section—

“**11A. Application of Part.** Upon the commencement of section 4 of the *Motor Vehicles Securities Act 1986*, this Part shall not apply to any instrument (whether executed before or after that commencement) to the extent that the instrument relates to a motor vehicle within the meaning of that Act and to that extent any such instrument shall cease to be registered.”.

(2) The *Bills of Sale and Other Instruments Act 1955-1981* as amended by subsection (1) may be cited as the *Bills of Sale and Other Instruments Act 1955-1986*.

5. Interpretation. (1) In this Act, unless the contrary intention appears—

“bill of sale” has the same meaning as in the *Bills of Sale and Other Instruments Act 1955-1986*;

“hire-purchase agreement” has the same meaning as in *The Hire-purchase Act of 1959*;

“instrument” means an instrument evidencing a security interest;

“Minister” means the Minister of the Crown for the time being administering this Act and includes any Minister of the Crown who is temporarily performing the duties of the Minister;

“motor vehicle” means any vehicle propelled on land by gas, motor spirit, oil, electricity, steam or any other motive power and includes any vehicle (other than farming machinery) without motive power designed for attachment to a motor vehicle;

“register” means the register kept under section 6;

“Registrar” means the Registrar of Commercial Acts, Brisbane, appointed under the *Administration of Commercial Laws Act 1962-1981* and includes any Deputy Registrar of Commercial Acts, Brisbane appointed under that Act;

“security interest” means an interest in a motor vehicle by way of security for or in respect of a liability, whether present, contingent or future created or otherwise arising in or under or in connexion with a bill of sale, mortgage, charge, lien,

hire-purchase agreement, lease or instrument having a like effect to any of them and includes the interest of—

- (a) an owner within the meaning of *The Hire-purchase Act of 1959* in respect of the liability of the hirer within the meaning of that Act;
- (b) a lessor in respect of the liability of a lessee.

(2) In this Act, unless the contrary intention appears, where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings.

(3) Of the two copies of an instrument or document of any description produced to the Registrar as required by this Act, the copy retained by the Registrar is referred to in this Act as the original and the copy delivered by him to the person entitled thereto is referred to in this Act as the duplicate.

6. Register. The Registrar shall keep a register in the prescribed form or in the prescribed manner in which shall be entered in respect of each registered instrument—

- (a) the name of any person who is the holder of a security interest evidenced by the instrument;
- (b) the registration number endorsed by the Registrar on the instrument;
- (c) the date on which that instrument was registered;
and
- (d) such details of the motor vehicle the subject of the security interest evidenced by the instrument as may be necessary to identify it.

7. Registration of instruments. (1) Upon application made in the prescribed form and production of an instrument executed in duplicate and upon compliance with the provisions of this Act, the Registrar shall register the instrument by—

- (a) entering in the register the particulars prescribed by section 6 in respect of the instrument;
and
- (b) endorsing on each copy of the instrument produced to him, in the prescribed form, and authenticated by the seal of the Registrar, a certificate of registration stating the registration number of the instrument and the time and date of its lodgment for registration.

The Registrar is not required to seek verification of the execution of an instrument lodged for registration or to compare the copies thereof produced to him.

(2) Notwithstanding subsection (1), the Registrar shall not register an instrument if he is not satisfied that the instrument sufficiently

discloses all the particulars required to be recorded on the register in accordance with subsection (1).

(3) One copy of a registered instrument shall be filed in the office of the Registrar and the other copy shall be delivered to the person entitled thereto.

(4) All instruments shall be registered in the order of time in which they are lodged with the Registrar for registration.

8. Assignment of a registered instrument. (1) An assignment of a registered instrument may be but is not required to be registered.

(2) Upon application in the prescribed form and production of a document of assignment executed in duplicate of a registered instrument, accompanied by the duplicate of the instrument and upon compliance with the provisions of this Act, the Registrar shall register the assignment by—

- (a) entering in the register particulars of the parties to the assignment;
- (b) endorsing on each copy of the document of assignment produced to him in the prescribed form, and authenticated by the seal of the Registrar, a certificate of registration stating the registration number of the instrument to which the document of assignment relates and the time and date of its lodgement for registration;
- and
- (c) endorsing on the original and the duplicate of the instrument to which the document of assignment relates the fact of the registration of the assignment.

The Registrar is not required to seek verification of the execution of a document of assignment lodged for registration or to compare the copies thereof produced to him.

(3) One copy of a registered document of assignment shall be filed in the office of the Registrar and the other shall be delivered to the person entitled thereto.

(4) Documents of assignment of a registered instrument shall be registered in the order of time in which they are lodged with the Registrar for registration.

9. Exception to order of registration. Where of two documents of assignment of a registered instrument lodged for registration one only is accompanied by the duplicate of the registered instrument the Registrar shall first register the document of assignment that is accompanied by the duplicate of the registered instrument notwithstanding section 8 (4) unless he has duly dispensed with the production of the duplicate of the registered instrument in respect of the other document of assignment.

10. Registration of instrument, etc. becomes effective on next business day. Registration of an instrument, a document of assignment of a

registered instrument, a memorandum of satisfaction or any other prescribed document does not take effect until the first moment of the next business day following the day on which the registration thereof is entered in the register.

11. Effect of failure to register instrument. Except as provided by section 12, an unregistered instrument whether executed before or after the commencement of this section, has no effect as to the motor vehicle in which the security interest evidenced by the instrument is held against any person other than the parties to the instrument.

12. Priority of instruments. (1) The holder of a security interest evidenced by an instrument shall be entitled to priority as to the title to or right to possession of the motor vehicle in which the security interest is held being a title or right conferred by the interest—

- (a) as against the holder of any subsequent security interest, if at the time the subsequent security interest was created, the person who is the holder of the subsequent interest had notice of the firstmentioned interest;
- (b) subject to paragraph (a), as against the holder of any other security interest, both of which security interests are evidenced by registered instruments, according to time and date of lodgment for registration of those instruments.

(2) The provisions of subsection (1) do not apply in respect of a security interest that is a registrable charge to and in relation to which the provisions of Division 9 of Part IV of the *Companies (Queensland) Code* mentioned in section 200 (1) of that Code apply.

13. Notice of security interest. Except where it is otherwise prescribed, for the purposes of this Act, a person has notice of a security interest where at the material time—

- (a) he has actual notice of the security interest;
 - (b) the instrument evidencing the security interest is registered and that registration has taken effect;
- or
- (c) he has been put on inquiry as to the existence of the security interest and has abstained from inquiry or further inquiry when he might reasonably have expected the inquiry or further inquiry to reveal the security interest.

14. Registration of discharge of security interest. (1) Upon application in the prescribed form and production to the Registrar of a memorandum of satisfaction executed by or on behalf of the person who holds a security interest evidenced by a registered instrument accompanied by—

- (a) the duplicate of the registered instrument;
- and
- (b) where the memorandum provides for a partial discharge only, a duplicate of the memorandum executed as aforesaid,

and upon compliance with the provisions of this Act, the Registrar shall register the discharge of security interest evidenced by the memorandum by—

- (c) entering in the register a notation that the security interest is discharged wholly or to the extent indicated in the memorandum of satisfaction;
- (d) endorsing upon the original and the duplicate of the instrument the fact of the registration of the discharge;
- (e) where the memorandum of satisfaction is not endorsed upon the duplicate of the registered instrument, endorsing upon the memorandum of satisfaction (and, in the case of a partial discharge, upon the duplicate of the memorandum of satisfaction), in the prescribed form and authenticated by the seal of the Registrar, a certificate of registration of the discharge.

(2) The Registrar is not required to seek verification of the execution of a memorandum of satisfaction lodged for registration or to compare copies produced to him.

(3) The memorandum of satisfaction shall be filed in the office of the Registrar and where a duplicate of the memorandum is lodged, the duplicate shall be delivered to the person entitled thereto.

(4) In this section “partial discharge” means—

- (a) a discharge of an obligor under an instrument in respect of his performance of a specified part of his obligation under the instrument;
- or
- (b) where an instrument relates to two or more motor vehicles, a release of the security evidenced by the instrument in respect of any of those motor vehicles.

15. Dispensing with production of duplicate instrument etc. (1) If the Registrar is satisfied on proof by statutory declaration that, in respect of a document of assignment of a registered instrument or a memorandum of satisfaction lodged for registration, a duplicate of a registered instrument cannot be produced in compliance with the provisions of section 8 or 14 by reason that—

- (a) it has been destroyed;
- (b) it cannot be found;
- or
- (c) for some other reason, it cannot be produced,

and that no other assignment of the instrument has been executed, the Registrar may dispense with the production of the duplicate of the registered instrument.

(2) Where the production of a duplicate of a registered instrument is dispensed with the provisions of section 8 (2) (c) or 14 (1) (d) shall

be taken to be complied with if the Registrar makes the endorsement prescribed by that section on the original only of the registered instrument.

16. Registration fees. A person who lodges an instrument, a document of assignment of a registered instrument, a memorandum of satisfaction or any other prescribed document with the Registrar for registration shall, at the prescribed time or within the prescribed period, pay the prescribed fee (if any) payable for the registration.

17. Onus to cancel registration of instrument upon discharge. The person who is the holder of a security interest evidenced by a registered instrument at the time the interest is wholly discharged shall, within 14 days after the discharge occurs, lodge as prescribed with the Registrar a memorandum of satisfaction that relates to the security interest and otherwise comply with this Act with a view to registration of the discharge.

18. Rectification of register. Where a prescribed change occurs in the particulars entered in the register, the Registrar may vary the particulars in the entry in the register accordingly and shall note in the register the date on which the particulars were varied.

19. Correction of errors. Where the Registrar is satisfied that there is an error, omission or failure to comply with the provisions of this Act in respect of any instrument, document of assignment of a registered instrument or memorandum of satisfaction registered under this Act or in the register he shall do all things necessary to rectify the error, omission or failure.

20. Cancellation of registration at instance of Registrar. (1) Where it appears to the Registrar that a security interest evidenced by a registered instrument has been discharged or extinguished the Registrar may, by notice in writing in the prescribed form given to the person who appears from the register to be the holder of the security interest, require him to show cause within 14 days after the giving of the notice why the registration of the registered instrument should not be cancelled.

(2) Where a person fails to show cause to the Registrar's satisfaction as required by a notice under subsection (1), the Registrar may cancel the registration of the registered instrument and shall note in the register the date on which the registration was cancelled.

(3) For the purposes of subsection (1), a notice shall be deemed to be given to a person to whom it is addressed if it is—

(a) delivered to him personally;

or

(b) sent by post addressed to him at his address last shown in the register.

21. False or misleading statements. A person shall not, in any instrument, document or memorandum lodged under this Act, make a

statement which to his knowledge is false or misleading in a material respect.

22. Certificate of entry in register. (1) A person may, by inquiry, require the Registrar to state whether there is registered an instrument evidencing a security interest in a specified motor vehicle.

(2) A person may make application to the Registrar for a certificate containing the particulars of registration of an instrument evidencing a security interest in a motor vehicle specified in the application.

(3) The Registrar, upon receipt of an application under subsection (2), shall issue to the applicant a certificate containing—

- (a) the particulars of the registration of an instrument evidencing the security interest in the motor vehicle specified in the application;
- (b) where there is no such registration, a statement to that effect; and
- (c) the date on which the certificate is issued.

(4) The applicant shall, at the prescribed time or within the prescribed period, pay the prescribed fee (if any) payable in respect of an application made by him under subsection (2).

(5) In this section, “registration” does not include a registration that has been cancelled.

23. Search, etc. of register. A person may, upon payment of the prescribed fee and during the hours and upon the days appointed by the Registrar for the purpose, search for and inspect any instrument, statutory declaration or document of any description filed in the office of the Registrar under this Act and may make extracts therefrom or upon payment of the prescribed fee, have office copies thereof or extracts therefrom prepared in the office of the Registrar.

24. Forged, etc. certificates. A person who—

- (a) forges or causes to be forged a document that purports to be a certificate issued under section 22;
 - (b) without lawful excuse, has in his possession such a document that he knows to be forged or that contains a representation, which he knows or believes to be false;
- or
- (c) fraudulently alters or causes to be altered a certificate issued under section 22,

commits an offence against this Act.

25. Purchaser from approved dealer not to be deemed to have notice of security interest in certain circumstances. (1) Where—

- (a) the Registrar issues a certificate under section 22 to an approved dealer in respect of a motor vehicle;
- and

(b) an instrument evidencing a security interest in that motor vehicle is registered during the period of 60 days or, where a shorter period is prescribed, during that shorter period, commencing on the date on which the certificate is issued, a person who, during that period, purchases or purports to purchase from the approved dealer an interest in that motor vehicle for value and in good faith shall, notwithstanding paragraph (b) of section 13 be deemed not to have notice of that security interest, when he pays the purchase price (or, where the price is not paid at any one time, when he first pays part of the purchase price) by reason only that it is registered.

(2) The provisions of section 28 do not apply in respect of a security interest that is extinguished by the operation of this section and section 26.

(3) Where, at any time, a period is prescribed for the purposes of paragraph (b) of subsection (1), being a period shorter than the period that, immediately before that time had effect under that paragraph, this section has effect in relation to a certificate issued under section 22 before that time as if a reference in that paragraph to a period were a reference to the second-mentioned period.

(4) In subsection (1) "approved dealer" means a motor dealer registered under the *Auctioneers and Agents Act 1971-1985* who carries on a trade or business in which he sells, buys or otherwise deals in motor vehicles or any class of motor vehicle.

(5) For the purposes of subsection (1), the giving of any valuable consideration in satisfaction of a purchase price or of part of a purchase price shall be taken to be payment of the purchase price or, as the case may be, part of the purchase price.

26. Extinguishing of security interest. (1) Where a person is the holder of a security interest in a motor vehicle and a purchaser purchases or purports to purchase an interest in that motor vehicle for value and in good faith and without notice of the security interest at the time he pays the purchase price (or, where the price is not paid at any one time when he first pays part of the purchase price)—

- (a) the security interest in that motor vehicle is extinguished; and
- (b) the purchaser acquires the interest purchased or putatively purchased in that motor vehicle free from the security interest.

(2) The onus of proving that an interest in a motor vehicle is acquired free from a security interest in that motor vehicle is on the person who asserts that the interest in the motor vehicle is so acquired.

(3) In any proceedings before a court, a document purporting to be a certificate under the hand of the Registrar relating to an entry in

the register or to the absence of such an entry shall be admissible and be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.

(4) For the purposes of this section, the giving of any valuable consideration in satisfaction of a purchase price or of part of a purchase price shall be taken to be payment of the purchase price or, as the case may be, of part of the purchase price.

27. Purchases to which ss. 25 and 26 do not apply. (1) For the purposes of sections 25 and 26, a purchase or putative purchase of an interest in a motor vehicle by a person (in this subsection called "the purchaser") is not for value and in good faith and without notice of a security interest in that motor vehicle where—

- (a) the purchaser is a member of the same household as the seller or putative seller;
- (b) the purchaser and the seller or putative seller are bodies corporate that are related to each other;
- or
- (c) one of them, the purchaser and the seller or putative seller, is a body corporate and the other is a natural person who within the meaning of the *Companies (Queensland) Code* is a director or officer of the body corporate,

unless the person asserting that it is such a purchase or putative purchase proves beyond reasonable doubt that it is such a purchase or putative purchase.

(2) For the purposes of subsection (1), the question whether bodies corporate are related to each other shall be determined in the same manner as the question whether corporations within the meaning of the *Companies (Queensland) Code* are related to each other would be determined under that Code.

28. Compensation for loss etc. by holder of security interest. (1) A person who suffers loss by reason that a security interest of which he is the holder is extinguished by the operation of section 26, being a security interest that is evidenced by an instrument—

- (a) that had been lodged with the Registrar for registration;
and
- (b) that, at the time the loss was suffered—
 - (i) had not been registered;
 - (ii) was incorrectly entered in the register;
 - or
 - (iii) had ceased to be registered by reason of the cancellation under section 20 of the registration,

is entitled to make application to the Minister for payment of compensation to the applicant.

(2) Where an application is made under subsection (1), the Governor in Council may approve an *ex gratia* payment to the applicant in such amount as the Governor in Council approves.

(3) The Governor in Council shall not approve under subsection (2) of a payment on account of loss suffered after the cancellation under section 20 of a registration unless the Minister is satisfied that the applicant did not show sufficient cause in accordance with that section why the registration should not be cancelled—

(a) because of circumstances beyond his control;

or

(b) for reasons that ought reasonably to be excused.

(4) Compensation paid in respect of an application under subsection (1) shall not exceed—

(a) the amount of the debt or other pecuniary obligation or the value of any other obligation secured by the security interest;

or

(b) the value of the motor vehicle in which was held the security interest in respect of which compensation was applied for,

at the time the loss is suffered, whichever is the less.

(5) Compensation payable under this section shall be paid from the Consolidated Revenue Fund (which is hereby to the necessary extent appropriated accordingly).

29. Compensation for loss during first 12 months of operation of section. (1) Where, within the period of 12 months after the commencement of this section a person—

(a) suffers loss by reason that a security interest of which he is the holder is extinguished by the operation of section 26;
and

(b) had not before he suffered the loss made application for registration of the instrument evidencing the security interest, he may make application to the Minister for the payment of compensation.

(2) Where an application is made under subsection (1) and the Minister determines that the applicant failed to apply for the registration of the instrument—

(a) by reason of circumstances beyond the control of the applicant;

or

(b) by reason of circumstances from which it might reasonably be inferred that the applicant was not aware that he ought to have applied to register the instrument in order to avoid the possibility of suffering loss by reason of the operation of section 26,

the Governor in Council, upon the recommendation of the Minister, may approve an ex gratia payment to the applicant in such amount as the Governor in Council determines.

(3) Compensation paid in respect of an application under subsection (1) shall not exceed—

- (a) the amount of the debt or other pecuniary obligation or the value of any other obligation secured by the security interest;
or
- (b) the value of the motor vehicle in which was held the security interest in respect of which the compensation was applied for,

at the time the loss is suffered, whichever is the less.

(4) Compensation payable under this section shall be paid from the Consolidated Revenue Fund (which is hereby to the necessary extent appropriated accordingly).

30. Compensation for loss, etc. by purchaser. (1) A person who suffers loss arising from, or in connexion with, the purchase or putative purchase of a motor vehicle where—

- (a) before the purchase was made or the putative purchase was entered upon, a certificate was issued under section 22 in respect of the motor vehicle;
and
- (b) the certificate did not contain particulars of a registered instrument that was registered in respect of the motor vehicle at the time of issue of the certificate,

is entitled to make application to the Minister for the payment of compensation to the applicant.

(2) Where an application is made under subsection (1) the Governor in Council, upon the recommendation of the Minister, may approve an ex gratia payment to the applicant in such amount as the Governor in Council determines.

(3) The Governor in Council shall not grant an application under subsection (1) where the applicant at the time of suffering the loss—

- (a) had actual notice of the security interest evidenced by the registered instrument;
or
- (b) had been put on inquiry as to the existence of such a security interest and had abstained from inquiry or further inquiry when he might reasonably have expected the inquiry or further inquiry to reveal the security interest.

(4) Compensation payable under this section shall be paid from the Consolidated Revenue Fund (which is hereby to the necessary extent appropriated accordingly).

31. Delegation by Registrar. (1) The Registrar may, either generally or as otherwise provided in the instrument of delegation, by writing delegate to any officer of the Public Service of Queensland all of any of his functions and powers under this Act except this power of delegation.

(2) The Registrar may, by instrument in writing, vary or revoke a delegation made by him.

(3) Any act or thing done in the performance of a function or the exercise of a power by a person to whom that function or that power has been delegated by the Registrar under subsection (1) has the same force and effect as if it had been done by the Registrar.

(4) A delegation under subsection (1) does not prevent the performance of a function or the exercise of a power by the Registrar.

32. Protection against liability. No act, omission, thing or decision done or made in good faith by the Registrar or a person acting under the authority of the Registrar—

(a) for the purposes of giving effect to any provision of this Act;

or

(b) purporting to be for the purpose of giving effect to any provision of this Act and done or made without negligence, shall render the Crown, the Registrar or such person liable at the suit or instance of any person, except where this Act otherwise expressly provides.

33. General penalty for offence. A person who contravenes or fails to comply with any provision of this Act commits an offence against this Act and is liable to a penalty of \$5 000.

34. Proceedings for offences. (1) An offence against this act may be prosecuted in a summary way under the *Justices Act 1886-1985*, upon the complaint of any person authorized in writing in that behalf either generally or in the particular case by the Minister.

(2) A prosecution for an offence against this Act may be commenced within one year from the time when the matter of complaint arose or within 6 months after the matter of complaint comes to the knowledge of the complainant, whichever is the period later to expire.

(3) An authority to prosecute purporting to have been signed by the Minister is evidence of that authority without proof.

35. Offence by corporation. Where an offence against this Act committed by a corporation is proved to have been committed with the consent or connivance of any director, manager, secretary or other officer of the corporation, he, as well as the corporation, shall be deemed to have committed that offence and is liable to be proceeded against and punished accordingly.

36. Fees and penalties. All fees paid and all penalties and costs recovered in relation to proceedings under this Act shall be paid to and form part of the Consolidated Revenue Fund.

37. Evidentiary provisions. (1) In any proceedings—

- (a) proof shall not be required of the appointment of the Registrar or of the signature of the Registrar;
- (b) the production of a document purporting to be a duplicate endorsed by the Registrar shall be evidence of the registration of the original and shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the contents of the original;
- (c) a document purporting to be an office copy of or an extract (certified by the Registrar) from a document registered or produced or filed in the office of the Registrar shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of—

in the case of an office copy, the last-mentioned document and its contents;

or

in the case of an extract, of the matters contained therein;

- (d) a certificate purporting to be that of the Registrar as to the time when a document, of or from which an office copy or extract has been produced in evidence, was registered, produced or filed in the office of the Registrar shall be evidence and, in the absence of evidence to the contrary, conclusive evidence of the fact and time of the registration, production or, as the case may be, filing of the document.

(2) Wherever there is any difference between the contents of an original and a duplicate, the original shall prevail.

38. Regulations. The Governor in Council may make regulations, not inconsistent with this Act, with respect to any matter or thing permitted or required to be prescribed for the purposes of this Act.