



Queensland

Storage Liens Regulation 2008

Subordinate Legislation 2008 No. 265

made under the

Storage Liens Act 1973

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1 Short title

This regulation may be cited as the *Storage Liens Regulation 2008*.

2 Commencement

This regulation commences on 1 September 2008.

3 Prescribed particulars for notice of claim of ownership, interest, or entitlement to a charge—Act, s 5

- (1) A notice given under section 5(1)(a) of the Act must include each of the following particulars—
- (a) a sufficient description of the goods;
 - (b) the full name and address of the person to whom the notice is addressed;
 - (c) a claim that the person is—
 - (i) the owner of the goods; or
 - (ii) the owner of an interest in the goods; or
 - (iii) entitled to some charge on the goods;
 - (d) if the person claims an interest in the goods—the nature and extent of the interest;
 - (e) if the person claims a charge on the goods—the nature and extent of the charge;
 - (f) an address at which any notices that may be given to the person under the Act may be given.
- (2) The statement of an address under subsection (1)(f) does not limit the ways in which notices under the Act may be given to a person.

4 Substituted service of notices by storer—Act, s 8

- (1) This section applies to a notice that a storer may give to someone else under section 5 or 6 of the Act if—
- (a) the person is unknown to the storer; or

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- (b) no address for the person is known to the storer.
 - (2) The notice may be given by an advertisement that includes a copy of the notice.
 - (3) The advertisement must be published—
 - (a) in the gazette; and
 - (b) in a newspaper circulating throughout the State; and
 - (c) if another newspaper is published in the district in which the premises where the goods are deposited with the storer are situated—in the other newspaper.
 - (4) The notice is taken to have been given on the publication of the notice in the gazette.

5 How to apply for stay of further proceedings to auction goods—Act, s 6

- (1) This section prescribes the way to make an application under section 6(6) of the Act.
- (2) The application must be made in writing to the clerk of the court for the Magistrates Court district in which the premises where the goods are deposited with the storer are situated.
- (3) The application must state the following—
 - (a) a sufficient description of the goods;
 - (b) the amount currently claimed by the storer to be due and unpaid for the storer's charges in relation to the goods;

Note—

The amount will not necessarily be the amount claimed in the notice given under the Act, section 6(3).

- (c) the reasons why proceedings to auction the goods should be stayed.
- (4) An affidavit, by or on behalf of the applicant, stating the facts on which the application is made must be filed with the application.

6 Provisions for hearing of application

- (1) On receiving an application under section 6(6) of the Act, the clerk of the court must immediately appoint a time and place for the application to be heard.
- (2) The applicant must, at least 3 clear days before the hearing date, give the storer notice of the time and place for the hearing of the application, and a copy of the application and affidavit.

Editor's note—

See the *Acts Interpretation Act 1954*, section 38(1)(a) for how to work out periods of time expressed as a specified number of clear days.

7 Repeal of Storage Liens Regulation 1998

The Storage Liens Regulation 1998 SL No. 126 is repealed.

ENDNOTES

- 1 Made by the Governor in Council on 21 August 2008.
- 2 Notified in the gazette on 22 August 2008.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Justice and Attorney-General.

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