

FIRST PRINT

**LIENS ON CROPS AND WOOL AND STOCK MORTGAGES  
(AMENDMENT) BILL 1992**

NEW SOUTH WALES



**EXPLANATORY NOTE**

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Conveyancing (Amendment) Bill 1992.

The object of this Bill is to amend the Principal Act so that existing and future liens on crops and wool, and existing and future stock mortgages, will be registered in the General Register of Deeds kept under the Conveyancing Act 1919 ("the General Register") instead of in the registers at present kept under the Principal Act.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day to be appointed by proclamation.

Clause 3 amends the Principal Act as set out in Schedule 1.

**SCHEDULE 1—AMENDMENTS**

Schedule 1 (1) and (2) make consequential amendments.

Schedule 1 (3) provides for liens on crops to be registered in the General Register instead of in a separate register kept by the Registrar-General.

Schedule 1 (4) makes a consequential amendment.

Schedule 1 (5) enables the Registrar-General to register satisfaction of a lien on crops in the General Register and destroy the lien, either after the lien has been in force for 12 months or earlier if requested to do so by the parties to the lien.

Schedule 1 (6) provides for liens on wool to be registered in the General Register instead of in a separate register kept by the Registrar-General.

Schedule 1 (7) provides for stock mortgages to be registered in the General Register instead of in a separate register kept by the Registrar-General.

*Liens on Crops and Wool and Stock Mortgages (Amendment) 1992*

Schedule 1 (8) makes an amendment consequential on proposed section 21 (Schedule 1 (10)).

Schedule 1 (9) enables the Registrar-General to remove registration of a lien on wool from the General Register after a specified time or to do so earlier at the request of the parties.

Schedule 1 (10) makes a consequential amendment.

Schedule 1 (11) inserts new Part 4 comprising section 21 which enables the Governor to make regulations, including regulations of a savings and transitional nature consequent on the enactment of the proposed Act.

Schedule 1 (12) makes a consequential amendment.

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**LIENS ON CROPS AND WOOL AND STOCK MORTGAGES  
(AMENDMENT) BILL 1992**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Liens on Crops and Wool and Stock Mortgages Act 1898 No. 7

**SCHEDULE 1—AMENDMENTS**

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**LIENS ON CROPS AND WOOL AND STOCK MORTGAGES  
(AMENDMENT) BILL 1992**

NEW SOUTH WALES



No. , 1992

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**A BILL FOR**

An Act to amend the Liens on Crops and Wool and Stock Mortgages Act 1898 to provide for the registration of liens on crops and wool, and of stock mortgages, in the General Register of Deeds kept under the Conveyancing Act 1919; and for other purposes.

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*Liens on Crops and Wool and Stock Mortgages (Amendment) 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Liens on Crops and Wool and Stock Mortgages (Amendment) Act 1992.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Liens on Crops and Wool and Stock Mortgages Act 1898 No. 7**

3. The Liens on Crops and Wool and Stock Mortgages Act 1898 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 1 (**Short title**):

After the matter relating to Part 3, insert:

**PART 4—General**

(2) Section 3 (**Definitions**):

After the definition of “agricultural produce”, insert:

“**General Register of Deeds**” means the General Register of Deeds maintained under Part 23 of the Conveyancing Act 1919;

(3) Section 4 (**Lien on yearly crops**):

Omit “office of the Registrar-General in Sydney”, insert instead “General Register of Deeds”.

(4) Section 8 (**List in registry open to inspection**):

Omit the section.

(5) Section 9 (**Duration of lien**):

Omit “, at the request of both parties, shall at any time enter satisfaction thereon”, insert instead “may, on the expiration of that period or at the request of both parties, register satisfaction of the lien in the General Register of Deeds and destroy the lien”.

*Liens on Crops and Wool and Stock Mortgages (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

- (6) Section 11 (**Right of lienee to wool as security or in payment**):  
Omit “by leaving in the office of the Registrar-General in Sydney a true copy thereof, duly verified on oath before the said Registrar-General or before another public officer duly authorised to administer an oath in that behalf”, insert instead “in the General Register of Deeds”.
- (7) Section 13 (**Right of mortgagee although mortgagor in possession**):
- (a) Omit “shall hereafter be”, insert instead “include the prescribed particulars, are”.
  - (b) Omit “where the names of the parties thereto and the particulars thereof shall be duly registered within thirty days after the date thereof in the office of the Registrar-General in the form mentioned in the Fourth Schedule hereto shall be”, insert instead “are registered in the General Register of Deeds within 30 days after the date of the agreement, are”.
- (8) Section 16 (**Particulars of registration by Registrar**):  
Omit the section.
- (9) Section 17 (**Cancellation of lien on wool**):
- (a) Omit “records of his office”, insert instead “General Register of Deeds”.
  - (b) Omit “enter satisfaction on the same”, insert instead “register satisfaction of the lien in the General Register of Deeds”.
- (10) Section 18 (**Registration of satisfaction of mortgage**):
- (a) Omit “a copy of such receipt, duly verified by affidavit, to be registered in the office of the Registrar-General, on production to him of the original receipt and of the mortgage deed to which the same relates”, insert instead “the receipt to be registered in the General Register of Deeds”.
  - (b) Omit “such verified”, insert instead “the”.

*Liens on Crops and Wool and Stock Mortgages (Amendment) 1992*

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SCHEDULE 1—AMENDMENTS—*continued*

(11) Part 4:

After section 20, insert:

**PART 4—GENERAL**

**Regulations**

21. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed, or that is necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

(2) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the Liens on Crops and Wool and Stock Mortgages (Amendment) Act 1992.

(3) A provision referred to in subsection (2) may, if the regulations so provide, take effect from the date of amendment or repeal of the related provision amended or repealed by the Liens on Crops and Wool and Stock Mortgages (Amendment) Act 1992 or from a later date.

(4) To the extent that a provision referred to in subsection (2) takes effect from a date that is earlier than the date of its publication in the Gazette the provision does not operate:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of the person existing before the date of publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.

(12) Fourth Schedule:

Omit the Schedule.

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**LIENS ON CROPS AND WOOL AND STOCK MORTGAGES  
(AMENDMENT) ACT 1992 No. 6**

NEW SOUTH WALES

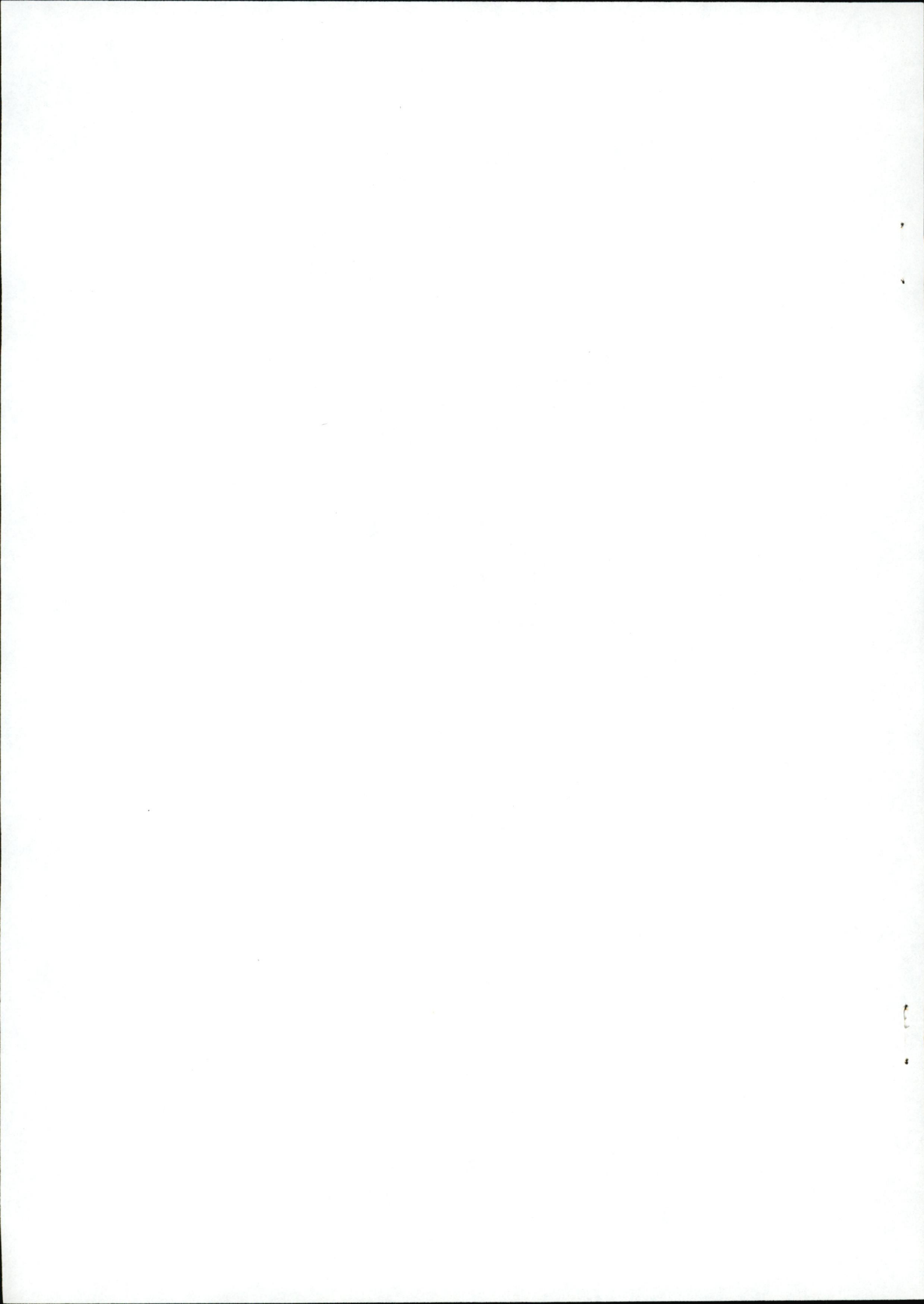


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Liens on Crops and Wool and Stock Mortgages Act 1898 No. 7

**SCHEDULE 1—AMENDMENTS**

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**LIENS ON CROPS AND WOOL AND STOCK MORTGAGES  
(AMENDMENT) ACT 1992 No. 6**

NEW SOUTH WALES



**Act No. 6, 1992**

An Act to amend the Liens on Crops and Wool and Stock Mortgages Act 1898 to provide for the registration of liens on crops and wool, and of stock mortgages, in the General Register of Deeds kept under the Conveyancing Act 1919; and for other purposes. [Assented to 17 March 1992]

*Liens on Crops and Wool and Stock Mortgages (Amendment) Act 1992 No. 6*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Liens on Crops and Wool and Stock Mortgages (Amendment) Act 1992.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Liens on Crops and Wool and Stock Mortgages Act 1898 No. 7**

3. The Liens on Crops and Wool and Stock Mortgages Act 1898 is amended as set out in Schedule 1.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

(1) Section 1 (**Short title**):

After the matter relating to Part 3, insert:

**PART 4—General**

(2) Section 3 (**Definitions**):

After the definition of “agricultural produce”, insert:

“**General Register of Deeds**” means the General Register of Deeds maintained under Part 23 of the Conveyancing Act 1919;

(3) Section 4 (**Lien on yearly crops**):

Omit “office of the Registrar-General in Sydney”, insert instead “General Register of Deeds”.

(4) Section 8 (**List in registry open to inspection**):

Omit the section.

(5) Section 9 (**Duration of lien**):

Omit “, at the request of both parties, shall at any time enter satisfaction thereon”, insert instead “may, on the expiration of that period or at the request of both parties, register satisfaction of the lien in the General Register of Deeds and destroy the lien”.

SCHEDULE 1—AMENDMENTS—*continued*

- (6) Section 11 (**Right of lienee to wool as security or in payment**):  
Omit “by leaving in the office of the Registrar-General in Sydney a true copy thereof, duly verified on oath before the said Registrar-General or before another public officer duly authorised to administer an oath in that behalf”, insert instead “in the General Register of Deeds”.
- (7) Section 13 (**Right of mortgagee although mortgagor in possession**):
- (a) Omit “shall hereafter be”, insert instead “include the prescribed particulars, are”.
  - (b) Omit “where the names of the parties thereto and the particulars thereof shall be duly registered within thirty days after the date thereof in the office of the Registrar-General in the form mentioned in the Fourth Schedule hereto shall be”, insert instead “are registered in the General Register of Deeds within 30 days after the date of the agreement, are”.
- (8) Section 16 (**Particulars of registration by Registrar**):  
Omit the section.
- (9) Section 17 (**Cancellation of lien on wool**):
- (a) Omit “records of his office”, insert instead “General Register of Deeds”.
  - (b) Omit “enter satisfaction on the same”, insert instead “register satisfaction of the lien in the General Register of Deeds”.
- (10) Section 18 (**Registration of satisfaction of mortgage**):
- (a) Omit “a copy of such receipt, duly verified by affidavit, to be registered in the office of the Registrar-General, on production to him of the original receipt and of the mortgage deed to which the same relates”, insert instead “the receipt to be registered in the General Register of Deeds”.
  - (b) Omit “such verified”, insert instead “the”.

SCHEDULE 1—AMENDMENTS—*continued*

## (11) Part 4:

After section 20, insert:

**PART 4—GENERAL****Regulations**

21. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed, or that is necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

(2) The regulations may include provisions of a savings or transitional nature consequent on the enactment of the Liens on Crops and Wool and Stock Mortgages (Amendment) Act 1992.

(3) A provision referred to in subsection (2) may, if the regulations so provide, take effect from the date of amendment or repeal of the related provision amended or repealed by the Liens on Crops and Wool and Stock Mortgages (Amendment) Act 1992 or from a later date.

(4) To the extent that a provision referred to in subsection (2) takes effect from a date that is earlier than the date of its publication in the Gazette the provision does not operate:

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of the person existing before the date of publication; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of publication.

## (12) Fourth Schedule:

Omit the Schedule.

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*[Minister's second reading speech made in—  
Legislative Assembly on 26 February 1992  
Legislative Council on 4 March 1992]*