



Australian Capital Territory

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AUSTRALIAN CAPITAL TERRITORY

INSTRUMENTS ORDINANCE 1933

Incorporating all amendments by legislation made to 31 March 1979

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AUSTRALIAN CAPITAL TERRITORY

INSTRUMENTS ORDINANCE 1933

An Ordinance relating to Instruments and Securities

PART I—PRELIMINARY

1. This Ordinance may be cited as the *Instruments Ordinance 1933*.¹ Short title
2. This Ordinance shall commence on a date to be fixed by the Attorney-General by notice in the *Gazette*.¹ Commencement
3. (1) The *Bills of Sale Ordinance 1930* and the *Bills of Sale Ordinance 1931* are repealed. Repeal and saving
(2) The Acts of the State of New South Wales specified in the First Schedule to this Ordinance shall cease to apply to the Territory.
(3) Notwithstanding anything contained in this Ordinance, any bill of sale, agreement or mortgage which at the commencement of this Ordinance is registered under any law referred to in this section, shall continue to be as valid and effectual, and the law under which it was registered shall continue to apply thereto, as if this Ordinance were not in force. Amended by No. 35, 1933, s. 3

* * * * * Section 4 repealed by No. 65, 1977, s. 3

5. In this Ordinance, unless the contrary intention appears— Interpretation
“Registrar” means the Registrar of Securities and includes any Deputy Registrar of Securities appointed under this Ordinance.

PART II—ADMINISTRATION

- * * * * * Section 6 repealed by No. 46, 1978, s. 3
7. (1) For the purposes of this Ordinance, there shall be— Registrar and Deputy Registrars
(a) a Registrar of Securities; and
(b) such Deputy Registrars of Securities and other officers as are necessary for carrying out this Ordinance.

(2) The Attorney-General may appoint any person to be a Registrar of Securities or a Deputy Registrar of Securities and, during any temporary vacancy in the office of Registrar, the Attorney-General may appoint any person to be an Acting Registrar of Securities.

(3) Any Acting Registrar so appointed shall have all the powers and perform all the duties of the Registrar.

PART III—BILLS OF SALE

Interpretation

N.S.W. No. 10,
1898, s. 3

8. (1) In this Part, unless the contrary intention appears—

“Bill of sale” includes bills of sale, assignments, transfers, declarations of trusts without transfer, and other assurances of personal chattels, and also powers of attorney, authorities, and licences to take possession of personal chattels as security for any debt, but does not include the following documents, that is to say: Assignments for the benefit of the creditors of the person making or giving the assignments; marriage settlements; transfers or assignments of any ship or vessel, or any share thereof; transfers of goods in the ordinary course of business of any trade or calling; bills of sale of goods in foreign parts or at sea; bills of lading; India warrants; warehouse-keeper’s certificates, warrants, or orders for the delivery of goods; or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorizing, or purporting to authorize, either by indorsement or by delivery, the possessor of the document to transfer or receive goods thereby represented;

“Personal chattels” means goods, furniture, fixtures and other articles capable of complete transfer by delivery; but does not include chattel interests in real estate, or shares or interests in the stock, funds or securities of any Government, or in the capital or property of any incorporated or joint stock company, or choses in action, or any stock or produce upon any farm or lands which by virtue of any covenant or agreement, or of the custom of the country, ought not to be removed from any farm or lands where the stock or produce are at the time of making or giving of the bill of sale.

(2) For the purposes of this Part, unless the contrary intention appears, personal chattels shall be deemed to be in the “apparent possession” of the person making or giving a bill of sale, so long as they remain or are in or upon any house, mill, warehouse, building, works, yard, land or other premises occupied by him, or as they are used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof has been taken by or given to any other person.

9. (1) Every bill of sale of personal chattels made or given either absolutely or conditionally, or subject or not to any trusts, and whereby the grantee or holder has power, either with or without notice and either immediately or at any future time, to seize and take possession of any property and effects comprised in or made subject to the bill of sale, shall, within thirty days after the making or giving of the bill of sale, or, in the case of a bill of sale made or given within thirty days before the commencement of this Ordinance, within thirty days after the commencement of this Ordinance, be registered by leaving in the office of the Registrar—

Bills of sale to be void unless registered within thirty days
N.S.W. No. 10, 1898, s. 4
Sub-section (1) amended by No. 35, 1933, s. 4; No. 10, 1949, s. 2

- (a) the bill of sale and every schedule or inventory which is thereto annexed or therein referred to, or a true copy thereof, and of every attestation of the execution thereof;
- (b) a statutory declaration or an affidavit of the time of the bill of sale being made or given;
- (c) a description of the residence and occupation of the person making or giving the bill of sale, or a description of the residence and occupation of the person against whom the process has issued in case the bill of sale is made or given by any person under or in the execution of any process; and
- (d) a description of the residence and occupation of every attesting witness to the bill of sale.

(2) In default of registration in accordance with the provisions of this section, the bill of sale shall, as against—

- (a) the official receiver or trustee in bankruptcy, where a sequestration order is made against the grantor in pursuance of the *Bankruptcy Act 1924-1932*, and all assignees or trustees of the estate and effects of the person whose goods or any of them are comprised in the bill of sale, under any assignment for the benefit of the creditors of that person; and
- (b) all sheriff's officers and other persons seizing any property or effects comprised in the bill of sale, in the execution of the process of any court authorizing the seizure of the goods of the person by whom or of whose goods the bill of sale has been made; and
- (c) every person on whose behalf the process has been issued,

be null and void, to all intents and purposes whatsoever, so far as regards the property in, or right to the possession of, any personal chattels comprised in the bill of sale, which at or after the date of the sequestration order, or the time of the execution by the debtor of the assignment for the benefit of his creditors, or of executing the process (as the case may be), and after the expiration of the period of thirty days referred to in the last preceding sub-section are in the possession or

apparent possession of the person making the bill of sale, or of any person against whom the process has issued under or in the execution of which the bill of sale has been made or given, as the case may be.

Defeasance or condition of every bill of sale to be written on the same paper
N.S.W. No. 10, 1898, s. 9

10. If the bill of sale is made or given, subject to any defeasance or condition or declaration of trust not contained in the body thereof, the defeasance or condition or declaration of trust shall, for the purposes of this Ordinance, be taken as part of the bill of sale, and shall be written on the same paper on which the bill of sale is written before the time when the bill of sale is registered, otherwise the bill of sale shall be null and void to all intents and purposes as against the same persons, and as regards the same property and effects, as if the bill of sale had not been registered according to the provisions of this Ordinance.

Registrar to keep a book containing particulars of each bill of sale
N.S.W. No. 10, 1898, s. 10

11. (1) The Registrar shall cause every bill of sale, and every schedule and inventory and every copy of a bill of sale, schedule or inventory left in his office under the provisions of this Ordinance to be numbered.

(2) The Registrar shall keep a book or index, in which he shall cause to be inserted as and when any bill of sale or copy thereof is left for registration, the name, addition, and description of the person making or giving the bill of sale, or, in case the bill of sale is made or given by any person under or in the execution of any process, the name, addition and description of the person against whom the process has issued, as the case may be, and also of the persons to whom or in whose favour the bill of sale has been given or transferred, but containing no further particulars thereof.

A bill of sale to have no effect as to certain household furniture unless consent of wife or husband of maker or giver endorsed thereon
N.S.W. No. 12, 1903, s. 2

12. Where, at the time any person makes or gives a bill of sale, that person is married and living with his or her wife or husband, and the bill of sale comprises any household furniture, the bill of sale shall not be enforced by seizure or sale of any such furniture as then is actually in use by the person making or giving the bill of sale or his or her wife or husband, as the case may be, unless at the time of execution it is endorsed in the manner and according to the form contained in the Second Schedule to this Ordinance by the wife or husband of the maker or giver of the bill of sale, and the endorsement is attested by the Registrar, a solicitor of the High Court, a Justice of the Peace or a Commissioner for Declarations appointed under the *Statutory Declarations Act 1911-1922*:

Provided that this section shall have no effect after the death of the wife or husband, or if, after the making or giving of the bill, the husband and wife live apart pursuant to a decree, order, or deed of separation, or if a decree for the dissolution or nullity of their marriage has been made.

Bill of sale transferable by writing
Vic. No. 3706, ss. 62, 74

13. (1) A bill of sale shall be transferable by writing, and every transferee thereof may bring every such action thereupon or in respect thereof in his own name, and shall have and may exercise the same right, title and interest, powers and authorities as the original grantee could

have brought, would have had or might have exercised if no transfer had been made by him.

(2) The Registrar, if required so to do, shall register any such transfer by noting in the book or index kept in pursuance of section eleven of this Ordinance the name, addition and description of the transferee, and the date of the execution of the transfer.

14. (1) A bill of sale may be discharged or partly discharged by a memorandum in accordance with the form set out in Part I of the Third Schedule to this Ordinance, or to the like effect, endorsed on the bill of sale or copy thereof, held by the grantee or person claiming through him, acknowledging that the bill of sale has been or is discharged or, in case of part discharge, the extent to which it has been or is so discharged.

Discharge of bill of sale
N.S.W. No. 17, 1919, s. 2
Substituted by No. 1, 1936, s. 2

(2) If the Registrar is satisfied that the bill of sale or copy held by the grantee or person claiming through him cannot, for some good reason, be produced, a bill of sale may be discharged or partly discharged by a memorandum in accordance with the form set out in Part II of the Third Schedule to this Ordinance, or to the like effect, acknowledging that the bill of sale has been or is discharged or, in case of a part discharge, the extent to which it has been or is so discharged.

(3) The signature to any memorandum acknowledging any such discharge or part discharge shall be witnessed by a solicitor of the High Court or by a Justice of the Peace, or by a Commissioner for Declarations appointed under the *Statutory Declarations Act* 1911-1922.

(4) The Registrar, if required so to do, and if satisfied that any bill of sale has been discharged or partially discharged, shall register the discharge or part discharge by noting the discharge or part discharge upon the bill of sale or copy registered and in the book or index kept in pursuance of section eleven of this Ordinance.

15. Nothing in this Part shall affect or apply to any liens on crops, liens on wool or mortgages of stock registered in accordance with the provisions of this Ordinance.

Not to affect liens on crops, wool, &c.
N.S.W. No. 10, 1898, s. 14
Amended by No. 10, 1949, s. 3

PART IV—LIENS ON CROPS

16. In this Part, unless the contrary intention appears—

“agricultural produce” includes wheat, maize, sorghum, barley, oats, lucerne, and grass, whether for hay or grain, and other agricultural produce;

“horticultural produce” means fruit of any kind.

Interpretation
N.S.W. No. 7, 1898, s. 3

Lien on
yearly crops
N.S.W. No. 7,
1898, s. 4
Amended by
No. 10, 1949, s. 4

17. In all cases where any person makes any *bona fide* advance of money or goods to any holder of land on condition of receiving as security for the advance the growing crop or crops of agricultural or horticultural produce on any such land, and where the agreement relating to the security is made in accordance with or to the effect of the form in the Fourth Schedule to this Ordinance, and purports on the face of it to have been made as security for the advance, and is duly registered within thirty days after the date of the agreement, by leaving in the office of the Registrar a true copy thereof duly verified by statutory declaration or affidavit, the person making the advance, whether before, at, or after the date of the agreement, shall have a preferable lien upon, and be entitled to the whole of the crop and the whole produce thereof, and the possession thereof by the lienor shall be to all intents and purposes in the law the possession of the lienee, and when the advance is repaid with interest specified in the agreement the possession and property of the crop shall revert to and vest in the lienor.

Lien not
affected by
sale, &c., of
land
N.S.W. No. 7,
1898, s. 5

18. No such lien duly made and registered shall be extinguished or otherwise prejudicially affected by the death of the lienor, or by any sale or mortgage of, or other incumbrance upon the land on which any such crop is growing; and if the lienor, his executors, administrators, or assigns, neglects or refuses either to pay off the whole of the advance with interest as agreed upon, or to give up the crop to the lienee thereof in pursuance of the agreement, the lienee, his executors, administrators, or assigns may enter into possession of the crop, and may gather, and carry away and sell the crop, and may apply the proceeds in paying himself the advance, with interest as agreed upon, and all expenses of gathering, carrying away, making marketable, and selling any such crop, and shall pay the balance to the lienor, his executors, administrators, or assigns.

Lienee to
pay rent of
leased land
before
selling crop
N.S.W. No. 7,
1898, s. 6

19. (1) If the lienor be a leaseholder then the lienee shall, before selling any such crop, pay to the landlord of the land whereon the crop is growing such sum of money not exceeding one year's rent as is due to him for rent at the time of carrying away the crop, and the lienee may repay himself the sum so paid out of the proceeds of the sale of the crop before paying over the balance to the lienor.

(2) For the purposes of this section—

“leaseholder” includes a person holding land under a lease from the Commonwealth, and a person to whom land is sub-let;

“landlord of the land”, where the leaseholder holds the land under a lease from the Commonwealth, means the Commonwealth, and, where he is a sub-lessee, means the person by whom the land is sub-let.

20. If at the time of making any such lien there is in force a mortgage of the land whereon the crop subject to the lien is growing, and the land is at the time of harvesting the crop in the occupation of the mortgagee, the lienee shall, before selling any such crop, pay to the mortgagee the amount of interest (not exceeding twelve months' interest) due upon the mortgage at the time of carrying away or selling the crop; and the lienee may repay himself the sum so paid for interest out of the proceeds of the sale of the crop before paying over the balance to the lienor.

Lienee to pay interest to mortgagee of land before selling crop
N.S.W. No. 7, 1898, s. 7

21. (1) A lien under this Part shall be transferable by writing, and every transferee thereof may bring every such action thereupon or in respect thereof in his own name, and shall have and may exercise the same right, title and interest, powers and authorities as the original lienee could have brought, would have had or might have exercised if no transfer had been made by him.

Lien on crops transferable by writing
Vic. No. 3706, s. 62

(2) The Registrar, if required so to do, shall register any such transfer by noting in the register kept in pursuance of the next succeeding section the name, addition and description of the transferee, and the date of the execution of the transfer.

22. The Registrar shall keep a separate alphabetical register of all agreements referred to in section seventeen of this Ordinance.

List in registry open to inspection
N.S.W. No. 7, 1898, s. 8

23. A lien under this Part shall not continue in force for more than one year from the date thereof, and the Registrar, at the request of both parties, shall at any time enter satisfaction thereon.

Duration of lien
N.S.W. No. 7, 1898, s. 9

24. Any lienor, whether principal or agent, who, by sale or delivery of any crop affected by the lien, or of any part thereof, without the written consent of the lienee, or by any other means defrauds the lienee of the crop or the value thereof, or any part thereof, and thus or by any means directly or indirectly defeats, invalidates, or impairs his right of property in the crop, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding three times the amount of the loss thereby sustained, or to imprisonment for any period not exceeding three years.

Penalties for frauds on lienee
N.S.W. No. 7, 1898, s. 10

PART V—LIENS ON WOOL AND STOCK MORTGAGES

24A. In this Part—

“stock” means horses, cattle, sheep or swine.

Interpretation
Inserted by No. 10, 1949, s. 5

Right of
lienee to
wool as
security or in
payment
N.S.W. No. 7,
1898, s. 11
Amended by
No. 10, 1949, s. 6

25. In all cases where any person makes any *bona fide* advance of money or goods, or gives any valid promissory note or bill to any proprietor of sheep on condition of receiving in payment or as security only for the money, goods, promissory note, or bill, as the case may be, the wool of the then next ensuing clip of the proprietor, and where the agreement relating to the purchase or security is made in accordance with or to the effect of the form in the Fifth Schedule to this Ordinance, and purports on the face of it to have been made in payment or as security for the advance, and is duly registered within thirty days after the date of the agreement by leaving in the office of the Registrar a true copy thereof, duly verified by statutory declaration or affidavit, the person making the purchase or advance shall be entitled to the whole of the wool mentioned in the agreement, whether the advance of money or goods, or of the note or bill is made before, at, or after the granting of any such preferable lien; and the possession of the wool by the proprietor shall be, to all intents and purposes in the law, the possession of the person making the purchase or advance; and when the advance is repaid, with such interest and commission as is specified in any such agreement, the possession and property of the wool shall revert in the proprietor.

Right of
lienee to
ensuing clip
of wool
N.S.W. No. 7,
1898, s. 12

26. (1) Where any person makes any *bona fide* purchase or advance, as mentioned in the last preceding section, the preferable lien of the lienee making the purchase or advance on the wool of the next ensuing clip of the proprietor shall not be in any way extinguished, suspended, impaired, or otherwise prejudicially affected by any subsequent sale, mortgage, or other incumbrance whatsoever of the sheep mentioned and described in the registered agreement relating to any such preferable lien, but shall be as valid and effectual to all intents and purposes whatsoever against any such subsequent purchaser, mortgagee, incumbrancer, or other claimant or possessor of the sheep, as against the original proprietor thereof who granted the preferable lien.

(2) If any such lienor, subsequent mortgagee, or incumbrancer, or other claimant or possessor of the sheep neglects or refuses to shear and deliver the wool of any sheep for which any such preferable lien has been granted in pursuance of the provisions in that behalf contained in the registered agreement, the lienee, his executors, administrators, or assigns may take possession of the sheep bearing the wool, for the purpose of washing and shearing the sheep; and all expenses attending the washing and shearing and conveyance of the wool to the place of abode of the lienee shall be incorporated with and be deemed in law part of the amount secured by the lien.

27. Any mortgage of stock which, after the commencement of this Ordinance, is made *bona fide* and for valuable consideration, and the names of the parties to which and the particulars of which are duly registered within thirty days after the date thereof in the office of the Registrar in accordance with the form in the Sixth Schedule to this Ordinance shall be valid in the law to all intents and purposes whether the money secured by the mortgage is payable presently or not, and notwithstanding that the mortgaged stock are not delivered over to the mortgagee but remain and continue in every respect, as theretofore, in the possession, order, and disposition of the mortgagor.

Right of mortgagee although possession in mortgagor
N.S.W. No. 7, 1898, s. 13
Amended by No. 10, 1949, s. 7

28. Any mortgagor of sheep may, with the consent in writing of the mortgagee thereof, but not without that consent, make and give a valid lien on the next ensuing clip of the wool of those sheep.

Mortgagor of sheep may with consent of mortgagee give lien
N.S.W. No. 7, 1898, s. 14

29. (1) A lien on wool or a mortgage of stock shall be transferable by writing, and every transferee thereof may bring every such action thereupon or in respect thereof in his own name, and shall have and may exercise the same right, title and interest, powers and authorities as the original lienee or mortgagee could have brought, would have had or might have exercised if no transfer had been made by him.

Liens on wool and stock mortgages transferable by writing
Vic. No. 3706, s. 74
Sub-section (1) amended by No. 10, 1949, s. 8

(2) The Registrar, if required so to do, shall register any such transfer by noting in the appropriate registry kept in pursuance of the next succeeding section the name, addition and description of the transferee, and the date of the execution of the transfer.

30. The Registrar shall keep a separate and distinct registry from year to year of all agreements for purchases of wool or advances thereon as mentioned in section twenty-five of this Ordinance, and shall also keep a separate and distinct registry of the particulars of all mortgages of stock, as mentioned in section twenty-seven of this Ordinance.

Particulars of registration by Registrar
N.S.W. No. 7, 1898, s. 16
Amended by No. 10, 1949, s. 9

31. At the end of twelve months next after the expiration of the year for which any preferable lien on wool has been given in pursuance of this Ordinance, the Registrar may remove from the records of his office that preferable lien, and may destroy or cancel the lien, or at any time, at the request of both parties to any such preferable lien, may enter satisfaction on the lien.

Cancelling of liens
N.S.W. No. 7, 1898, s. 17

Registration
of
satisfaction
of mortgage
N.S.W. No. 7,
1898, s. 18
Amended by
No. 10, 1949,
s. 10

32. In every case where the amount of principal and interest, or of the balance of principal and interest due upon any mortgage of stock is paid to the person entitled to receive it, or his agent in that behalf, and a receipt in writing for the amount so paid is given, signed by the person so entitled, or by his agent acknowledging the payment to be in satisfaction of the mortgage, the mortgagor, his executors, administrators, or assigns may cause a copy of the receipt, duly verified by affidavit, to be registered in the office of the Registrar, on production to him of the original receipt and of the mortgage deed to which the receipt relates; and from and after the time of the registration of the verified receipt the payment shall operate as an extinction of the mortgage, and of the right and interest thereby created, to all intents and purposes whatsoever, but without prejudice to any previous sale, or any conveyance in pursuance thereof, under the mortgage deed, and without prejudice to any second or subsequent mortgage affecting the same stock or any part thereof then duly registered, unless every party thereto, by writing under his hand at the foot of the receipt, has signified his assent to the registration of the receipt.

Saving of
rights of
Common-
wealth
N.S.W. No. 7,
1898, s. 19
Amended by
No. 10, 1949,
s. 11

33. Nothing in this Part shall be construed to affect in any way the rights of the Commonwealth as to any of the lands of the Commonwealth described in any such lien or mortgage to which this Part relates as the lands or stations where any stock, the subject of the lien or mortgage, are depasturing.

Frauds by
lienor,
mortgagor,
or other
person
N.S.W. No. 7,
1898, s. 20

34. (1) Any grantor of any preferable lien on wool under this Part, whether the grantor is principal or agent, who afterwards sells or delivers to any purchaser, pawnee, or other person, the wool under any such lien without the written consent of the lienee, or sells, steams, or boils down, or causes to be sold, steamed, or boiled down, without that written consent, the sheep whereon the wool is growing, with a view to defraud the lienee of the wool or the value thereof, shall be guilty of an offence.

Amended by
No. 10, 1949,
s. 12

(2) Any mortgagor of stock and their increase and progeny under this Part, whether the mortgagor is principal or agent, who, after the due execution and registry of any such mortgage, without the written consent of the mortgagee, sells and disposes of, or steams or boils down, or causes to be sold and disposed of, or to be steamed or boiled down, any stock or their increase or progeny, mentioned or described in any such mortgage, shall be guilty of an offence.

Amended by
No. 10, 1949,
s. 12

(3) Any grantor of any preferable lien under this Part, or any mortgagor of stock and their increase and progeny under this Part, whether principal or agent, who in any way, or by any means whatever or howsoever, directly or indirectly, destroys, defeats, invalidates, or impairs, or any other person who wilfully and knowingly incites, aids, or

abets any such grantor or mortgagor, directly or indirectly, to defeat, destroy, invalidate or impair the right of property of any lienee in the wool of any sheep mentioned and described in any agreement registered under this Part, or the right of property of any such mortgagee in any stock or their increase and progeny, mentioned in any mortgage duly executed and registered under this Part, shall be guilty of an offence.

(4) The penalty for any offence under this section shall be a fine not exceeding three times the amount of the loss thereby sustained, or imprisonment for any period not exceeding five years, or both such fine and imprisonment.

PART VI—MISCELLANEOUS

35. The Registrar may keep a book or index in which he shall cause to be inserted such particulars as are prescribed of all bills of sale, agreements and mortgages referred to in sub-section (3) of section three of this Ordinance.

Index of bills of sale, &c., registered under State Acts

36. (1) Any person shall have access to any book, index or register kept in pursuance of this Ordinance, and may search any such book, index or register during the usual hours of business upon paying the prescribed fee for each search.

Search of registers, &c.

(2) Any person shall, upon paying the prescribed fee for each office copy or extract, be entitled to have an office copy or extract of any instrument or document lodged or left in the office of the Registrar in pursuance of this Ordinance.

37. (1) There shall be paid to the Registrar in respect of the several matters specified in the Seventh Schedule to this Ordinance the fees in that Schedule mentioned or such other fees in substitution therefor as are prescribed.

Fees

(2) The registration of any bill of sale, lien or mortgage, or of any transfer, discharge, or satisfaction thereof shall not be completed or effectual unless and until the prescribed fees respectively payable in respect of the registration have been paid.

38. The Attorney-General may make regulations, not inconsistent with this Ordinance, prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for giving effect to this Ordinance, and in particular for prescribing matters providing for and in relation to—

Regulations

- (a) the fees payable for the registration under this Ordinance of any instrument, or document or of any particulars;
- (b) the fees payable for any search made in any book, index or register kept in pursuance of this Ordinance; and

THE FOURTH SCHEDULE—continued

per annum, the said crop (or crops) shall be gathered, carried away, and made marketable by me or at my expense, and shall be delivered at to the said C.D. or his order, in which event he may sell the same by [here state mode and conditions of sale], and from the proceeds may pay himself the said sum and interest and all costs, and shall pay over to me the balance (if any), or if there be any deficiency may recover the same against me at law as any debt.

Dated the _____ day of _____, 19 _____

Witness—

(Signed) A.B.

THE FIFTH SCHEDULE

Section 25

Amended by No. 25, 1938, s. 2 as amended by No. 35, 1938, s. 2; No. 19, 1966, s. 2

In consideration of _____, bona fide value for which I admit to have received in (money or goods or promissory notes, bill, or all or any of these, as the case may be) from C.D., of _____, I do hereby give the said C.D. a preferable lien to the extent of the said advance and interest at the rate of _____ per centum per annum, and commission at the rate of _____ per centum on the wool of the ensuing clip to be shorn from my flocks of sheep consisting in number of _____ or thereabouts, and now depasturing at _____ in the Australian Capital Territory, under the superintendence of _____

It is further agreed that the said sheep shall be shorn by me or at my expense, and that the wool thereof shall be delivered by me at _____ to the order of the said C.D.

Dated the _____ day of _____, 19 _____

Witness—

(Signed) A.B.

N.B.—If the money, goods, promissory notes, or bills advanced be for the absolute purchase of the wool, instead of the words "to the extent of the said advance" insert the words "for the absolute purchase and whole value thereof".

THE SIXTH SCHEDULE

Section 27

Amended by No. 10, 1949, s. 14

Date of Deed	Name of mortgagor	Name of mortgagee	Consideration	Number and description of mortgaged stock and the brand or other distinctive mark and stations where the same are depasturing, as also the name of the principal superintendent or overseer

Name of witness or witnesses—

THE SEVENTH SCHEDULE

Section 37

Amended by No. 19, 1966, s. 2 as amended by No. 36, 1967, s. 4

FEEES

Registration of bill of sale or transfer or discharge thereof	\$ 0.25
Searching index of bills of sale (for each name)	0.10
Inspection of a bill of sale or copy thereof, and all documents relating thereto	0.05
Registration of lien or transfer or satisfaction of lien under Part IV of this Ordinance	0.45

THE SEVENTH SCHEDULE—continued

	\$
Registration of lien or transfer or satisfaction of lien under Part V of this Ordinance	0.45
Registration of mortgage or transfer under Part V of this Ordinance	0.75
Registration of receipt of amount due upon mortgage under Part V of this Ordinance	0.45
Searching registry of liens or mortgages under Part V of this Ordinance (for each name)	0.10
For every certified copy of, or extract from any document, first five folios, per folio of seventy-two words	0.50
For every folio, or part folio, after first five	0.06667

NOTE

1. The *Instruments Ordinance 1933 (a)* as shown in this reprint comprises Ordinance No. 25, 1933 as amended by the other Ordinances specified in the following table:

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement
<i>Instruments Ordinance 1933</i>	No. 25, 1933	16 Nov 1933	3 Jan 1934 (<i>see Gazette 1934, p. 97</i>)
<i>Instruments Ordinance (No. 2) 1933</i>	No. 35, 1933	7 Dec 1933	3 Jan 1934
<i>Instruments Ordinance 1936</i>	No. 1, 1936	9 Jan 1936	9 Jan 1936
<i>Seat of Government (Designation) Ordinance 1938</i>	No. 25, 1938	8 Sept 1938	8 Sept 1938
	No. 35, 1938	15 Dec 1938	15 Dec 1938
<i>Instruments Ordinance 1949</i>	No. 10, 1949	29 Sept 1949	29 Sept 1949
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	No. 19, 1966	23 Dec 1966	23 Dec 1966
	No. 36, 1967	30 Nov 1967	23 Dec 1966
<i>Ordinances Revision Ordinance 1977</i>	No. 65, 1977	22 Dec 1977	22 Dec 1977
<i>Ordinances Revision Ordinance 1978</i>	No. 46, 1978	28 Dec 1978	28 Dec 1978

- (a) This citation is provided for by the *Amendments Incorporation Ordinance 1929* and the *Ordinances Citation Ordinance 1976*.