

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Instruments (Amendment) Bill 1993

A BILL

FOR

An Act to amend the *Instruments Act 1933*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Instruments (Amendment) Act 1993*.

5 Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

3. In this Act, "Principal Act" means the *Instruments Act 1933*.¹

83021 1992/136 (T21/93)

Substitution

4. Section 31 of the Principal Act is repealed and the following section substituted:

Cancelling of liens

5 "31. The Registrar may, at the request of each of the parties to a preferable lien on wool, enter satisfaction on the lien in the register kept under section 30."

Insertion

10 5. After section 36 of the Principal Act the following section is inserted:

Destruction of registrable instruments

"36A. (1) The Registrar shall keep a registrable instrument which has been registered in accordance with this Act until—

- 15 (a) the registrable instrument has been discharged in accordance with section 14, satisfaction of the registrable instrument has been entered in accordance with section 23 or 31, or a receipt has been registered with respect to the registrable instrument in accordance with section 32;
- 20 (b) the Registrar believes on reasonable grounds that the personal chattels or other securities referred to in the registrable instrument are no longer affected by the instrument; or
- (c) a period of not less than 10 years has elapsed since the date of registration of the registrable instrument.

25 "(2) Where the Registrar destroys a registrable instrument he or she shall record the date on which the instrument is destroyed in the relevant book, index or register kept under section 11, 22 or 30, as the case requires.

"(3) In this section—

'bill of sale' has the same meaning as in Part III;

'personal chattels' has the same meaning as in Part III;

30 'registrable instrument' means a bill of sale, lien, mortgage or other agreement, a record of which is kept under this Act."

Further amendments

6. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 6

FURTHER AMENDMENTS

Subsection 3 (2)—

Omit “the First Schedule to this Act” and substitute “Schedule 1”.

Subsection 8 (2)—

Insert “or her” after “him” (wherever occurring).

Subsection 9 (1)—

Omit “thirty” and substitute “30”.

Subsection 9 (2)—

- (a) Omit “in pursuance of the *Bankruptcy Act 1924-1932*” and substitute “under the *Bankruptcy Act 1966*”.
- (b) Insert “or her” after “his”.
- (c) Omit “thirty” and substitute “30”.
- (d) Omit “the last preceding subsection” and substitute “subsection (1)”.

Subsection 11 (1)—

Insert “or her” after “his”.

Subsection 11 (2)—

Insert “or she” after “he”.

Section 12—

- (a) Omit “the Second Schedule to this Act” and substitute “Schedule 2”.
- (b) Omit “Commissioner for Declarations appointed under the *Statutory Declarations Act 1911-1922*” and substitute “person prescribed for the purposes of paragraph 8 (b) of the *Statutory Declarations Act 1959*”.

Subsection 13 (1)—

- (a) Insert “or her” after “his”.
- (b) Insert “or her” after “him”.

SCHEDULE—continued**Subsection 13 (2)—**

Omit “in pursuance of section eleven of this Act” and substitute “under section 11.”.

Subsection 14 (1)—

(a) Omit “the Third Schedule to this Act” and substitute “Schedule 3”.

(b) Omit “him” and substitute “the grantee”.

Subsection 14 (2)—

(a) Omit “him” and substitute “the grantee”.

(b) Omit “the Third Schedule to this Act” and substitute “Schedule 3”.

Subsection 14 (3)—

Omit “Commissioner for Declarations appointed under the *Statutory Declarations Act 1911-1922*” and substitute “person prescribed for the purposes of paragraph 8 (b) of the *Statutory Declarations Act 1959*”.

Subsection 14 (4)—

Omit “in pursuance of section eleven of this Act” and substitute “under section 11”.

Subsection 17 (1)—

(a) Omit “the Fourth Schedule to this Act” and substitute “Schedule 4”.

(b) Omit “thirty” and substitute “30”.

Section 18—

(a) Omit “his” (first and last occurring) and substitute “or the lienor’s”.

(b) Omit “his” (second occurring) and substitute “or the lienee’s”.

(c) Insert “or herself” after “himself”.

Subsection 19 (1)—

(a) Omit “one” and substitute “1”.

(b) Omit “him” and substitute “the landlord”.

(c) Insert “or herself” after “himself”.

Subsection 19 (2) (definition of “landlord of the land”)—

Omit “he” and substitute “the leaseholder”.

SCHEDULE—continued

Section 20—

- (a) Omit “twelve” and substitute “12”.
- (b) Insert “or herself” after “himself”.

Subsection 21 (1)—

- (a) Insert “or her” after “his”.
- (b) Omit “him” and substitute “the original lienee”.

Subsection 21 (2)—

Omit “in pursuance of the next succeeding section” and substitute “under section 22,”.

Section 22—

Omit “seventeen of this Act” and substitute “17”.

Section 23—

Omit “one” and substitute “1”.

Section 24—

- (a) Omit “his” and substitute “the lienee’s”.
- (b) Omit “three” (wherever occurring) and substitute “3”.

Subsection 25 (1)—

- (a) Omit “the Fifth Schedule to this Act” and substitute “Schedule 5”.
- (b) Omit “thirty” and substitute “30”.

Subsection 26 (1)—

Omit “the last preceding section” and substitute “section 25”.

Subsection 26 (2)—

Omit “his” and substitute “or the lienee’s”.

Subsection 27 (1)—

- (a) Omit “thirty” and substitute “30”.
- (b) Omit “the Sixth Schedule to this Act” and substitute “Schedule 6”.

Subsection 29 (1)—

- (a) Omit “his” and substitute “the transferee’s”.
- (b) Omit “him” and substitute “the original lienee”.

SCHEDULE—continued**Subsection 29 (2)—**

Omit “in pursuance of the next succeeding section” and substitute “under section 30.”

Section 30—

- (a) Omit “twenty-five of this Act” and substitute “25”.
- (b) Omit “twenty-seven of this Act” and substitute “27”.

Section 32—

- (a) Insert “or her” after “his” (first and second occurring).
- (b) Omit “his” (third occurring) and substitute “or the mortgagor’s”.
- (c) Omit “him” and substitute “the Registrar”.
- (d) Omit “every” (last occurring) and substitute “each”.
- (e) Insert “or her” after “his” (fourth and last occurring).

Subsection 34 (4)—

- (a) Omit “three” and substitute “3”.
- (b) Omit “five” and substitute “5”.

Section 35—

- (a) Insert “or she” after “he”.
- (b) Omit “(3) of section three of this Act” and substitute “3 (3)”.

The Schedules—

Omit “THE SCHEDULES”.

The First Schedule—

Omit “THE FIRST SCHEDULE” and substitute “SCHEDULE 1”.

The Second Schedule—

Omit “THE SECOND SCHEDULE” and substitute “SCHEDULE 2”.

The Third Schedule (Parts I and II)—

- (a) Omit “THE THIRD SCHEDULE” and substitute “SCHEDULE 3”.
- (b) Omit “him” and substitute “grantee”.

SCHEDULE—continued

The Fourth Schedule—

- (a) Omit “**THE FOURTH SCHEDULE**” and substitute “**SCHEDULE 4**”.
- (b) Insert “or her” after “his”.
- (c) Insert “or she” after “he”.
- (d) Insert “or herself” after “himself”.

The Fifth Schedule—

Omit “**THE FIFTH SCHEDULE**” and substitute “**SCHEDULE 5**”.

The Sixth Schedule—

Omit “**THE SIXTH SCHEDULE**” and substitute “**SCHEDULE 6**”.

NOTE

- 1. Reprinted as at 28 February 1991.

NOTE ABOUT HEADINGS

On the day on which the *Instruments Act 1933* is amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to sections of the Principal Act are altered as set out in the following table:

Section	Alteration
10	Omit the heading, substitute the following heading: Defeasance or condition of bill of sale
11	Omit the heading, substitute the following heading: Records of each bill of sale
12	Omit the heading, substitute the following heading: Household furniture

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