

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1922.

A BILL

To provide for the transfer of certain records from the Supreme Court to the office of the Registrar General; to amend the Bills of Sale Act, 1898, and certain other Acts; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Transfer of Records Act, 1922."

Short title and commencement.

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(2) This Act shall come into force upon a date to be fixed by the Governor by proclamation in the Gazette.

2. The Bills of Sale Act, 1898, is amended as follows:—

- (1) By omitting from section four and from subsection one of section seven the words "Supreme Court" and inserting in lieu thereof the words "Registrar General"; Amendment of Bills of Sale Act, No. 10 of 1898.
Sec. 4 and s. 7, subsec. 1.
- (2) by omitting from sections seven, ten, and eleven the word "Prothonotary" wherever therein appearing, and inserting in lieu thereof the words "Registrar General"; Secs. 7, 10, 11.
- (3) (a) by omitting from subsection one of section ten all words after the word "numbered"; Sec. 10.
 (b) by omitting from subsection two of the same section the words "The said book and";
 (c) by omitting from subsection three of the same section—
 - (i) the words "In addition to the last-mentioned book";
 - (ii) by substituting the word "a" for the word "another";
 - (iii) by omitting the words "last mentioned" whenever occurring;
- (4) by omitting from section twelve the words "like rate as for office copies of judgments in the Supreme Court" and inserting in lieu thereof the words "at the rate prescribed by regulations made under the Conveyancing Act, 1919"; Sec. 12.
- (5) by omitting from section thirteen as inserted by section two of the Bills of Sale (Amendment) Act, 1919, the word "Prothonotary" wherever therein appearing, and inserting in lieu thereof the words "Registrar General"; and by inserting in subsection two of the same section the words "partially discharged" after the word "discharged"; and by inserting in subsection four of the same section the words "or partial discharge" after the word "discharge"; Sec. 13.

(6)

(6) by adding after subsection four of the same section the following new subsections :—

(5) Attestation in accordance with section one hundred and sixty-eight of the Conveyancing Act, 1919, may be taken as sufficient proof of the execution of any such receipt.

(6) The fact of such registration and the extent of the discharge so registered shall be noted by the Registrar General in the book kept by him under this Act.

(7) After the lapse of ten years from the date upon which a full discharge of a bill of sale has been registered the Registrar General may direct that the bill of sale or copy filed be destroyed.

(8) The fact of such destruction shall be noted by the Registrar General in the book kept by him under this Act ;

(7) by omitting the Second Schedule.

3. The Newspapers Act, 1898, is amended as follows :— Amendment
of Act No. 23
of 1898.

(1) By omitting from section three all the words after the words “ for that purpose specified ” and inserting in lieu thereof the words “ has been lodged in the office of the Registrar General ” ; Sec. 3.

(2) by omitting from section five the word “ delivered ” wherever therein appearing and inserting in lieu thereof the word “ lodged ” ; Sec. 5.

(3) (a) by omitting from paragraph (c) of subsection one of section six all words after the words “ be taken or made before the ” and inserting in lieu thereof the words “ Registrar General or a Deputy Registrar General ” ; Sec. 6.

(b) by inserting in paragraph (d) of the same subsection the words “ the Registrar General or a Deputy Registrar General or ” after the word “ before ” ;

(c)

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- (c) by omitting from subsection three of the same section all words after the words "transmit the same to" and inserting in lieu thereof the words "the Registrar General";
- (4) by omitting from section seven the word "delivered" and inserting in lieu thereof the word "lodged"; Sec. 7.
- (5) (a) by omitting from section nine the word "Prothonotary" where firstly appearing and inserting in lieu thereof the words "Registrar General"; Sec. 9.
- (b) by omitting the proviso to the same section and inserting in lieu thereof the following proviso :—

Provided always that if any such person against whom any such affidavit or affirmation or any copy thereof is offered in evidence proves that he has before the coming into operation of the Transfer of Records Act, 1922, signed, sworn, or affirmed and delivered to the Prothonotary or to one of the clerks of the Supreme Court authorised in that behalf by the Prothonotary, or since the coming into operation of the said Act, has signed, sworn, or affirmed and lodged at the office of the Registrar General previous to the day of the publication of the newspaper to which the proceedings, civil or criminal, relate, an affidavit or affirmation that he has ceased to be the printer, publisher, or proprietor of such newspaper, such person shall not be deemed by reason of any former affidavit or affirmation so delivered or lodged as aforesaid, to have been the printer, publisher, or proprietor of such newspaper after the day on which such last-mentioned affidavit or affirmation shall have been lodged at the said office;

(6)

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- (6) by omitting from subsection one of section ten Sec. 10. the word "editor" wherever occurring; and by omitting from subsection two of the same section the words "one of the judges of the Supreme Court" and inserting in lieu thereof the words "the Registrar General or a Deputy Registrar General"; and by inserting in subsection three of the same section after the word "before" the words "the Registrar General or a Deputy Registrar General or," and by omitting from the same subsection all words after the words "printed and published" and inserting in lieu thereof the words "and when taken before a police magistrate shall be forthwith transmitted by him to the Registrar General that the same may be duly registered and recorded";
- (7) by omitting from subsection one of section Sec. 11. eleven the word "editor" and by omitting from the same subsection the words "Prothonotary or clerk authorised as aforesaid at his office" and inserting in lieu thereof the words "Registrar General";
- (8) by omitting section thirteen; Sec. 13.
- (9) by omitting the proviso to section sixteen, and Sec. 16. inserting the following proviso in lieu thereof:—

Provided always that if any such person as aforesaid has before the coming into operation of the Transfer of Records Act, 1922, signed, sworn, or affirmed and delivered to the Prothonotary or to one of the clerks of the Supreme Court authorised in that behalf by the Prothonotary, or since the coming into operation of the said Act has signed, sworn, or affirmed, and lodged in the office of the Registrar General previous to the day of the publication of the newspaper to which the proceeding in court relates, an affidavit or affirmation that he has ceased to be the printer, publisher,

publisher, or proprietor of such newspaper and makes proof thereof, such person shall not be deemed by reason of any former affidavit or affirmation so delivered or lodged as aforesaid to have been the printer, publisher, or proprietor of such paper after the day on which such last-mentioned affidavit or affirmation was lodged ;

- (10) by omitting section seventeen and inserting the following section in lieu thereof:—

17. The Registrar General shall, upon application made to him by any person requiring a copy certified according to this Act of any such affidavit or affirmation as aforesaid in order that the same may be produced in any civil or criminal proceedings, deliver to the person so applying for the same such certified copy ;

- (11) by omitting from section eighteen the words "the Prothonotary or clerk authorised as aforesaid to be a true copy shall upon proof made that such certificate has been signed by the said Prothonotary or clerk (and whom it shall not be necessary to prove to be such Prothonotary or clerk)" and inserting in lieu thereof the words "Registrar General or a Deputy Registrar General to be a true copy shall."

4. The Printing Act, 1899, is amended as follows:—

- (1) By omitting from subsection one of section two the words "delivered to the Prothonotary of the Supreme Court, or to one of the clerks in the said court, authorised by the said Prothonotary to receive the same" and inserting in lieu thereof the words "lodged in the office of the Registrar General";

Amendment of Act No. 16 of 1899. Sec. 2.

- (2) (a) by omitting from subsection two of the same section the words "Prothonotary or such clerk as aforesaid" and inserting in lieu thereof the words "Registrar General";

(b)

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- (b) by omitting from the same subsection the word "delivered" and inserting in lieu thereof the word "lodged";
- (3) by omitting from subsection three of the same section the word "delivered" wherever therein appearing and inserting in lieu thereof the word "lodged";
- (4) by omitting from the Second Schedule the first form and the short heading thereto and inserting the following new short heading and form in lieu thereof:—

Form of notice to the Registrar General that any person keeps any printing press or types for printing.

To the Registrar General.

Form of
notice.

I, A.B., of _____, do hereby declare that I have a printing press and types for printing, which I propose to use for printing within _____ (*as the case may be*), and which I require to be entered for that purpose in pursuance of the Printing Act, 1899.

Witness my hand this _____ day _____ of _____

Signed in the presence of _____

- (5) (i) by omitting from the second form in the Second Schedule the words "Prothonotary of the Supreme Court of New South Wales (*or* a clerk of the Supreme Court of New South Wales, being duly authorised in that behalf by the Prothonotary of the said court)" and inserting in lieu thereof the words "Registrar General (*or* a Deputy Registrar General)";
- (ii) by omitting from the same form the words "delivered to me" and inserting in lieu thereof the word "lodged."

5. The Mining Partnerships Act, 1900, is amended by omitting from subsection two of section eight the words "Supreme Court, Sydney," and inserting in lieu thereof the words "office of the Registrar General."

Amendment
of Mining
Partnerships
Act, 1900.

6.

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6. The Government Savings Bank Act, 1906, is amended by omitting subsection one of section eighty-five and inserting the following subsection in lieu thereof:—

Amendment of Government Savings Bank Act, 1906.

(1) A copy of every such regulation shall be deposited in the office of the Registrar General, who shall file the same without fee.

7. (1) Upon the date of the commencement of this Act all instruments of whatsoever kind—

Transfer of records from Supreme Court to Registrar General's office.

- (a) theretofore registered, enrolled, recorded, filed or deposited in the Supreme Court under or in pursuance of the provisions of any of the Acts mentioned in the First or Second Schedule hereto or of any other Act, or of any law at any time in force in this State; and
- (b) which shall then remain or be in the Supreme Court; and
- (c) which do not relate in any way to the business of the Supreme Court or any action, suit or proceeding in such court,

and all indexes, books, documents and writings relating exclusively to such instruments or any of them shall, save as in the next succeeding section provided, be transferred to the office of the Registrar General in Sydney, and the Registrar General shall take possession of the same.

(2) The said instruments shall thereupon and thenceforth continue to have the same force and effect respectively to all intents as they respectively would have had if they had remained in the Supreme Court and this Act had not been passed.

(3) Upon and from the same date all instruments of what nature soever which are now required by any of the Acts mentioned in the Second Schedule hereto or any other Act to be registered, enrolled, recorded, filed, or deposited in the Supreme Court, and which do not relate exclusively to the business of the Supreme Court or any suit or proceeding in such court shall be registered, enrolled, recorded, filed, or deposited in the office of the Registrar General in the same manner and form as is required by such Act, and all such last-mentioned registrations, enrolments, records, filings, and

and deposits shall be in all respects as valid and have the same effect respectively to all intents and purposes as if the same had been made, done, had, taken, or performed in the Supreme Court and this Act had not been passed.

(1) Upon and from the same date all the duties now by law imposed upon and all the powers and authorities then vested in the Prothonotary or any other officer of the Supreme Court in relation to the matters referred to in the last preceding subsection shall be transferred to and imposed upon and vested in the Registrar General, and the like fees may be taken by him for performing the said duties as may now by law be taken for the performance thereof, or as may be prescribed under the Conveyancing Act, 1919.

8. (1) The Prothonotary shall retain and cause to be destroyed all bills of sale in his office (or copies thereof or documents relating thereto) in respect of which satisfaction has been entered prior to the first day of January, one thousand nine hundred and thirteen, and all bills of sale (or copies thereof or documents relating thereto) which have been filed more than twenty years and of which no renewal has been recorded.

Destruction of records by Prothonotary.

(2) The Prothonotary shall furnish a list of all instruments so destroyed to the Registrar General, who shall note the fact of the destruction in the book transferred to him in which the entry of the filing of the instrument destroyed occurs.

9. (1) The Registrar General may from time to time cause to be destroyed any bill of sale (or copy thereof or documents relating thereto) transferred to his office in respect of which satisfaction has been entered or a full discharge has been registered, but only after the lapse of ten years from the entry of satisfaction or the registration of the full discharge, as the case may be.

Destruction of records by Registrar General.

(2) On the destruction of any such bill of sale, or copy or documents, the Registrar General shall cause a note of the fact of such destruction to be made in the book transferred to him in which the entry of the filing of the bill of sale occurs.

SCHEDULES.

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FIRST SCHEDULE.

Bills of Sale Act of 1898.
 Newspapers Act, 1893.
 Printing Act, 1899.
 Mining Partnerships Act, 1900.
 Destitute Children's Society Act, 1901.
 Government Savings Bank Act, 1906.
 Bills of Sale (Amendment) Act, 1919.

SECOND SCHEDULE.

An Act to enable "The Colonial Sugar Refining Company" to sue and be sued in the name of such company, and to vest the property of the company in the trustees for the time being of such company. [Assented to, 30th December, 1863.]
 Liverpool and London and Globe Insurance Company's Act of 1865.
 An Act to enable the members of the United Church of England and Ireland in New South Wales to manage the property of the said Church. [Assented to, 4th October, 1866.]
 Australian Jockey Club Act, 1873.
 Murrumbidgee Turf Club Act of 1876.
 Tattersall's Club Act of 1888.
 Hawkesbury Racecourse Act of 1890.
 An Act for the purpose of enabling the trustees of Albury Racecourse to grant leases thereof to any club; to enable the members of the club to sue and be sued in the name of the chairman of the committee for the time being of the club; and for other purposes. [Assented to, 29th March, 1892.]
 City Tattersall's Club Act of 1912.
 Permanent Trustee Company of New South Wales, Limited, Act, 1899.
 Permanent Trustee Company of New South Wales, Limited (Amendment), Act, 1918.
 Perpetual Trustee Company (Limited) Act, 1889.
 Perpetual Trustee Company (Limited) Amendment Act, 1918.
 Union Trustee Company of Australia, Limited, Act, 1914.
 Union Trustee Company of Australia, Limited, Amendment Act, 1919.
 Church of England Property Act of 1889.
