



New South Wales

Warehousemen's Liens Regulation 2007

under the

Warehousemen's Liens Act 1935

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Warehousemen's Liens Act 1935*.

LINDA BURNEY, M.P.,
Minister for Fair Trading

Explanatory note

The object of this Regulation is to repeal and remake, without substantial alteration, the *Warehousemen's Liens Regulation 2002* which would otherwise be repealed on 1 September 2007 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation makes provision for the following matters:

- (a) notice to be given of claims as to the ownership of, or interest in, goods on which a lien exists,
- (b) the manner in which accounts are to be verified in relation to money paid to the Public Trustee from the proceeds of the sale of goods on which a lien exists,
- (c) the charges deductible in respect of money held by the Public Trustee from the proceeds of the sale of goods on which a lien exists.

This Regulation is made under the *Warehousemen's Liens Act 1935*, including sections 5, 6, 8 and 11 (the general regulation-making power).

This Regulation comprises or relates to matters of a machinery nature and matters of a savings or transitional nature.

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1 Name of Regulation

This Regulation is the *Warehousemen's Liens Regulation 2007*.

2 Definition

In this Regulation:

the Act means the *Warehousemen's Liens Act 1935*.

3 Prescribed notice of claim

The prescribed notice of claim referred to in sections 5 (1) (a) and 6 (2) (b) of the Act is a notice:

- (a) that is in writing, and
- (b) that identifies the goods to which it relates, and
- (c) that specifies the name and address of the person by whom the claim is made, and
- (d) that specifies whether that person claims to be the owner of the goods or merely to have some interest in the goods and, if the latter is the case, the nature of the interest claimed.

4 Verification of statements of account

- (1) The copies of the statement of account that are furnished to the Public Trustee under section 8 (3) of the Act must be verified by the signature of the warehouseman or of some other person on the warehouseman's behalf.
- (2) Written particulars of the following matters must be furnished to the Public Trustee together with the copies of the statement of account:
 - (a) the date of deposit of the goods,
 - (b) the name and address of the person who deposited the goods,
 - (c) the name and address of the owner of the goods and of each person who claims to be the owner of the goods or to have an interest in the goods, including the name and address of any

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person who claims to be the holder of a bill of sale in respect of the goods,

- (d) particulars of any such claim,
- (e) particulars of any searches carried out by or on behalf of the warehouseman under the *Security Interests in Goods Act 2005*,
- (f) such other relevant information as is in the possession of the warehouseman.

5 Charges payable to the Public Trustee

- (1) For the purposes of section 8 (4) of the Act, the charge prescribed is 5% of the amount held by the Public Trustee under that section, or \$20, whichever is the greater.
- (2) Nothing in this clause prevents the Public Trustee from deducting any fee, commission or charge that is payable under the *Public Trustee Act 1913* or under a regulation made under that Act, from the money held by the Public Trustee under section 8 (4) of the *Warehousemen's Liens Act 1935*.

6 Repeal

The *Warehousemen's Liens Regulation 2002* is repealed.

7 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Warehousemen's Liens Regulation 2002*, had effect under that Regulation continues to have effect under this Regulation.

BY AUTHORITY
