



New South Wales

Warehousemen's Liens Regulation 2014

under the

Warehousemen's Liens Act 1935 No 19

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

STUART AYRES, MP
Minister for Fair Trading

Explanatory note

The object of this Regulation is to repeal and remake, without substantial alteration, the *Warehousemen's Liens Regulation 2007* which would otherwise be repealed on 1 September 2014 by section 10 (2) of the *Subordinate Legislation Act 1989*.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 NSW Trustee and Guardian from the proceeds of the sale of goods on which a lien exists,
- (c) the charges deductible in respect of money held by the NSW Trustee and Guardian 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.

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1 Name of Regulation

This Regulation is the *Warehousemen's Liens Regulation 2014*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

3 Definition

In this Regulation:

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

4 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.

5 Verification of statements of account

- (1) The copies of the statement of account that are furnished to the NSW Trustee and Guardian 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 NSW Trustee and Guardian 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 person who claims to be the holder of a bill of sale in respect of the goods,
 - (d) particulars of any such claim,
 - (e) such other relevant information as is in the possession of the warehouseman.

6 Charges payable to the NSW Trustee and Guardian

- (1) For the purposes of section 8 (4) of the Act, the charge prescribed is 5% of the amount held by the NSW Trustee and Guardian under that section, or \$20, whichever is the greater.
- (2) Nothing in this clause prevents the NSW Trustee and Guardian from deducting any fee, commission or charge that is payable under the *NSW Trustee and Guardian Act 2009* or under a regulation made under that Act, from the money held by the NSW Trustee and Guardian under section 8 (4) of the *Warehousemen's Liens Act 1935*.

7 Repeal and savings provision

- (1) The *Warehousemen's Liens Regulation 2007* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Warehousemen's Liens Regulation 2007*, had effect under that Regulation continues to have effect under this Regulation.