

# Transfer of Records Act 1923 No 14

[1923-14]



New South Wales

## Status Information

### Currency of version

Repealed version for 3 December 1999 to 4 November 2015 (accessed 12 July 2024 at 2:22)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Repeal**

The Act was repealed by sec 3 (o) of the [Regulatory Reform and Other Legislative Repeals Act 2015 No 48](#) with effect from 5.11.2015.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 5 November 2015

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## Contents

<b>Long title</b> .....	3
1 Name of Act and commencement .....	3
2 Transfer of records from Supreme Court to Registrar General's office.....	3
3 Destruction of records by Prothonotary .....	4
4 Destruction of records by Registrar General.....	4
5 Saving of settlements .....	5
6 (Repealed) .....	5
<b>First Schedule</b> .....	5
<b>Second Schedule</b> .....	5

# Transfer of Records Act 1923 No 14



New South Wales

An Act 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.

## 1 Name of Act and commencement

- (1) This Act may be cited as the *Transfer of Records Act 1923*.
- (2) This Act shall come into force upon a date to be fixed by the Governor by proclamation in the Gazette.

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

- (1) Upon the date of the commencement of this Act all instruments of whatsoever kind:
  - (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 lastmentioned registrations, enrolments, records, filings, 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.

- (4) 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 such 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](#).
- (5) In this section the expression **Supreme Court** includes the office of the Master in Equity or of any other officer of the said court.

### **3 Destruction of records by Prothonotary**

- (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, or of which no renewal of registration has been filed since that date.
- (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 in which the entry of the filing of the instrument destroyed occurs.

### **4 Destruction of records by Registrar General**

- (1) The Registrar General may from time to time cause to be destroyed:
  - (a) 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,
  - (b) any bill of sale (or copy thereof or documents relating thereto) filed or lodged more than ten years previously, and of which no renewal of registration has been filed within such period of ten years.
- (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 in which the entry of the filing of the bill of sale occurs.

- (3) Such note shall be prima facie evidence of the matters set out therein and of the due observance of the requirements of this Act.

## **5 Saving of settlements**

The two last preceding sections shall not extend to any document which appears to be a settlement or deed of gift.

## **6 (Repealed)**

## **First Schedule**

*Bills of Sale Act of 1898.*

*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 for lighting with Gas the Town of Sydney in the Colony of New South Wales and to enable certain persons associated under the name style and firm of "The Australian Gas Light Company" to sue and be sued in the name of the secretary for the time being of the said company and for other purposes therein mentioned. [Assented to, 7th September 1837.]

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.]

*Church of England Property Act of 1889.*

*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 of 1888.*

*Permanent Trustee Company of New South Wales, Limited (Amendment), Act 1918.*

*Perpetual Trustee Company (Limited) Act of 1888.*

*Perpetual Trustee Company (Limited) Amendment Act 1918.*

*Union Trustee Company of Australia, Limited, Act 1914.*

*Union Trustee Company of Australia, Limited, Amendment Act 1919.*

*Elder's Trustee and Executor Company, Limited, Act 1920.*