



ANALYSIS

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1973, No. 52

An Act to amend the Chattels Transfer Act 1924

[21 November 1973]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Chattels Transfer Amendment Act 1973, and shall be read together with and deemed part of the Chattels Transfer Act 1924 (hereinafter referred to as the principal Act).

(2) Except as provided in section 2 (2) of this Act, this Act shall come into force on the 1st day of June 1974.

2. Mode of registration—(1) The principal Act is hereby amended by repealing section 5 (as amended by section 3 (1) of the Chattels Transfer Amendment Act 1925, by section 2 (1) and (2) of the Chattels Transfer Amendment Act 1970, and by sections 18 (3) and 19 (3) of the Judicature Amendment Act 1972), and substituting the following section:

“5. (1) Registration of an instrument shall be effected by filing the same and all schedules endorsed thereon, or referred to therein, or a true copy of such instrument and the schedules, and a certificate in the form numbered (1) in the

First Schedule hereto or to the like effect, in the Supreme Court Office of any Registrar in the provincial district within which the chattels comprised in the instrument are situated at the time of the making or giving thereof (other than a Supreme Court Office in respect of which a direction under subsection (1A) of section 23A of the Judicature Act 1908 is in force):

“Provided that all instruments affecting chattels in the Chatham Islands or other islands not included in any provincial district shall be registered in the Supreme Court Office at Wellington:

“Provided also that all instruments affecting chattels in the counties of Cheviot and Amuri shall be registered in the Supreme Court Office at Christchurch as if the said counties were in the Provincial District of Canterbury and not in the Provincial District of Nelson.

“(2) For the purpose of registration—

“(a) That part of New Zealand which is for the time being included in the Southland Land District shall be deemed to be a separate provincial district:

“(b) That part of New Zealand included in the Judicial District of Gisborne at the time of the abolition of that district by section 18 (1) of the Judicature Amendment Act 1972 shall be deemed to be a separate provincial district:

“(c) That part of New Zealand included in the Judicial District of Westland at the time of the abolition of that district by section 18 (1) of the Judicature Amendment Act 1972 shall be deemed to be a separate provincial district.

“(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100 who wilfully or negligently signs any certificate in the form numbered (1) in the First Schedule hereto or to the like effect in respect of any instrument if the certificate is false in a material respect.”

(2) Section 2 of the principal Act is hereby amended, as from the commencement of the Chattels Transfer Amendment Act 1970, by omitting from the definition of the term “registration” the word “affidavit”, and substituting the word “certificate”.

(3) The following enactments are hereby consequentially repealed, namely—

- (a) The Second Schedule to the principal Act:
- (b) Section 3 of the Chattels Transfer Amendment Act 1925:
- (c) Subsections (1) and (2) of section 2 of the Chattels Transfer Amendment Act 1970:
- (d) Subsection (3) of section 19 of the Judicature Amendment Act 1972 and so much of the Second Schedule to that Act as relates to the Chattels Transfer Act 1924.

3. Provision incidental to the change in boundaries of the Otago and Southland districts—(1) The Registrar of the Supreme Court at Dunedin may, on being satisfied in respect of any instrument registered in his office before the 1st day of June 1974,—

- (a) That the chattels comprised in that instrument were situated in the Southland Land District at the time of the making or giving of the instrument; and
- (b) That the instrument is still subsisting and in full force and effect,—

transfer that instrument to the Supreme Court Office at Invercargill.

(2) The Registrar of the Supreme Court at Invercargill may, on being satisfied in respect of any instrument registered in his office before the 1st day of June 1974,—

- (a) That the chattels comprised in that instrument, although situated, at the time of the making or giving of the instrument, in that part of New Zealand comprising the Province of Southland as constituted immediately before the passing of the Otago and Southland Union Act 1870 and the portion of the Province of Otago described in the Second Schedule to the principal Act, were not at that time situated in the Southland Land District; and
- (b) That the instrument is still subsisting and in full force and effect—

transfer that instrument to the Supreme Court Office at Dunedin.

(3) Where any instrument is transferred pursuant to subsection (1) or subsection (2) of this section—

- (a) The Registrar transferring the instrument shall give written notice of the transfer to the grantor and the grantee and shall note on the instrument and in his register book and index a memorial of the fact and date of the transfer:
- (b) The Registrar receiving the instrument being transferred shall enter particulars of the instrument in his register book in like manner as on original registration and make the appropriate entries in the index (including both in the book and in the index a memorial of the fact and date of the transfer):
- (c) The instrument shall be deemed to be validly registered in the office to which it is transferred and, for the purposes of any renewal of the registration of that instrument which is effected after it has been transferred, shall be deemed to have been originally registered in that office:
- (d) The registration of the instrument shall, unless that registration is renewed, cease to be of any effect at the time at which it would have ceased to be of any effect if this Act had not been passed and, subject to paragraph (c) of this subsection, section 14 of the principal Act shall apply accordingly.

This Act is administered in the Department of Justice.
