

Serial 218
Uncollected Goods (Consequential Amendments) Bill 2004
Dr Toyne

**A BILL
for
AN ACT**

to amend legislation consequent on the enactment of the
Uncollected Goods Act 2004



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NORTHERN TERRITORY OF AUSTRALIA
UNCOLLECTED GOODS (CONSEQUENTIAL AMENDMENTS) ACT 2004

No. of 2004

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NORTHERN TERRITORY OF AUSTRALIA

No. of 2004

AN ACT

to amend legislation consequent on the enactment of the
Uncollected Goods Act 2004

[Assented to 2004]
[Second reading 2004]

The Legislative Assembly of the Northern Territory enacts as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Uncollected Goods (Consequential Amendments) Act 2004*.

2. Commencement

This Act comes into operation on the day on which the *Uncollected Goods Act 2004* commences.

PART 2 – AMENDMENTS OF *MOTOR VEHICLES ACT*

3. Amendment of section 20

Section 20 of the *Motor Vehicles Act* is amended by adding at the end the following:

"(7) This section does not apply to a registered motor vehicle to which section 20A applies."

4. New section 20A

The *Motor Vehicles Act* is amended by inserting after section 20 the following:

"20A. Sale of uncollected registered motor vehicle

"(1) If a registered motor vehicle is sold under Part 2 of the *Uncollected Goods Act*, the receiver must, within 14 days after the sale, deliver to the Registrar –

- (a) a notice of disposal in the form of a statutory declaration; and
- (b) a copy of the receipt provided to the purchaser under section 30 of that Act.

"(2) Subject to section 21A, the purchaser must, within 14 days after the sale, apply, in the form of a statutory declaration, to the Registrar to transfer the registration of the motor vehicle to the purchaser.

"(3) If satisfied the vehicle has been sold in accordance with Part 2 of the *Uncollected Goods Act*, the Registrar must, on payment of the prescribed fee, transfer the registration of the motor vehicle to the purchaser."

**PART 3 – AMENDMENT OF REGISTRATION OF INTERESTS IN
MOTOR VEHICLES AND OTHER GOODS ACT**

5. New sections 14A and 14B

The *Registration of Interests in Motor Vehicles and Other Goods Act* is amended by inserting after section 14 in Part III the following:

"14A. Repairer's lien takes priority over registrable interests

"(1) A repairer's lien on goods (whether or not registered) ranks in priority over any registrable interest in the goods whether or not the registrable interest is registered and whether the registrable interest arose before or after the repairer's lien arose.

"(2) For subsection (1), a repairer's lien is a lien on goods in the possession of a person as security for payment for services or materials provided for the goods by that person in the ordinary course of business.

"(3) However, for uncollected goods within the meaning of the *Uncollected Goods Act*, the repairer's lien is the relevant charge payable for the goods under section 6(2) of that Act.

"14B. Sale of uncollected motor vehicle

"(1) If a motor vehicle affected by a registered interest is sold under Part 2 of the *Uncollected Goods Act*, the purchaser of the vehicle may apply to the Registrar to cancel the registration of the interest.

"(2) The application must be accompanied by a copy of the receipt for the purchase of the vehicle and the prescribed fee.

"(3) If satisfied the vehicle has been sold in accordance with Part 2 of the *Uncollected Goods Act*, the Registrar must –

- (a) cancel the registration; and
 - (b) inform in writing the person registered as the holder of the interest that –
 - (i) the interest has been cancelled; and
 - (ii) the person may make a monetary claim under section 27(4) of that Act."
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