



Western Australia

Warehousemen's Liens Act 1952

## **Warehousemen's Liens Regulations 1952**



## Warehousemen's Liens Regulations 1952

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Western Australia

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Warehousemen's Liens Act 1952

## Warehousemen's Liens Regulations 1952

*[Heading deleted: Gazette 24 Aug 2007 p. 4319.]*

### 1. Citation

These regulations may be cited as the *Warehousemen's Liens Regulations 1952*<sup>1</sup>.

*[Regulation 1 amended: Gazette 24 Aug 2007 p. 4320.]*

*[2. Deleted: Gazette 24 Aug 2007 p. 4320.]*

*[Heading deleted: Gazette 24 Aug 2007 p. 4320.]*

### 3. Notice of claim — section 6(1)(a)

A claim by a person to be the owner of goods deposited with a warehouseman or of an interest in them shall be in accordance with Schedule 1 Form 1.

*[Regulation 3 amended: Gazette 24 Aug 2007 p. 4320.]*

### 4. Notice of lien — section 6(2)

The notice of the lien given by the warehouseman within 3 months after the date of the deposit of the goods shall be in accordance with Schedule 1 Form 2.

*[Regulation 4 amended: Gazette 24 Aug 2007 p. 4320.]*

**5. Notice by advertisement — section 9(3)**

- (1) Where a person to whom a notice may be given pursuant to the provisions of section 6 or 7 of the Act is unknown to the warehouseman, or where no address of the person is known to the warehouseman, the notice may be given by advertisement.
- (2) The advertisement shall include a full copy of the notice and shall be published at least twice with an interval between the advertisements of at least 7 days in a newspaper circulating in the locality where the premises of the warehouseman is situated, and, if the newspaper is not a daily newspaper, in a daily newspaper circulating in the City of Perth.
- (3) The notice shall be deemed to have been given on the day upon which the last of the advertisements was published.

*[Regulation 5 amended: Gazette 24 Aug 2007 p. 4320.]*

**6. Statement of account — section 10(4)**

- (1) The duplicate copies of the statement of account required to be furnished in accordance with section 10(4) of the Act shall be verified by a statutory declaration made by the warehouseman or by some competent person on his behalf.
- (2) The warehouseman at the time of paying the surplus into a Magistrates Court or to the Treasurer as the case may be shall also furnish to the Magistrates Court or the Treasurer the following particulars in writing —
  - (a) the date of deposit of the goods;
  - (b) the name and address of the person who deposited such goods and the name and address of the owner thereof and of every person claiming to be the owner thereof or of any interest therein including the name and address of the grantee of the goods under any bill of sale of which the warehouseman has notice;
  - (c) full particulars known to the warehouseman of all of such claims;

- (d) full particulars of all searches made by or on behalf of the warehouseman under the *Bills of Sale Act 1899* and of the results of such searches;
- (e) such other information relating to the transaction as may be known to the warehouseman.

*[Regulation 6 amended: Gazette 24 Aug 2007 p. 4320-1.]*

**7. Offence**

A person who contravenes a provision of these regulations commits an offence.

Penalty: a fine of \$20.

*[Regulation 7 inserted: Gazette 24 Aug 2007 p. 4321.]*

*[Part III deleted: Gazette 24 Aug 2007 p. 4321.]*

**Schedule 1 — Forms**

[r. 3 and 4]

*[Heading inserted: Gazette 24 Aug 2007 p. 4321.]*

**Form 1**

Regulation 3

*Warehousemen's Liens Act 1952*

**NOTICE OF CLAIM**

To (insert name and address of warehouseman).

I, (insert full name of claimant) hereby give you notice that I claim to be the owner of the goods described in the Schedule hereto, or of an interest in the goods to the extent hereinafter set forth, which goods were deposited with you by .....on or about the .....day of .....20.... .

(If an interest only in the goods is claimed the extent of the interest should be here stated). I hereby authorise you to serve all notices to me required by the Act at the following address (insert full address of claimant).

Schedule

(Insert particulars of the goods in respect of which the claim is made.)

Dated this .....day of ..... 20.....

.....

Witness

.....

Signature of Claimant



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**Form 2**

Regulation 4

*Warehousemen's Liens Act 1952*

**NOTICE OF LIEN**

To (insert name of person to whom notice of lien may be given)

TAKE notice that I, (insert name of warehouseman) under the provisions of section 6 of the Act hereby give notice of a lien in respect of goods deposited for storage and described in the Schedule hereto.

Schedule

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| Description of goods | Location of warehouse where goods are stored | Date of deposit of goods | Name of person who deposited goods |
|----------------------|--|--------------------------|------------------------------------|
|----------------------|--|--------------------------|------------------------------------|

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Dated this .....day of .....20.....

.....

Signature of Warehouseman

*[Forms 3-5 deleted: Gazette 24 Aug 2007 p. 4321.]*

**Notes**

<sup>1</sup> This reprint is a compilation as at 2 November 2007 of the *Warehousemen's Liens Regulations 1952* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

| <b>Citation</b>  | <b>Gazettal</b>           | <b>Commencement</b>   |
|--|---------------------------|---|
| <i>Warehousemen's Liens Act Regulations and Rules of Court 1952</i> <sup>2</sup>                                       | 20 Feb 1953<br>p. 368-71  | 20 Feb 1953   |
| <i>Decimal Currency Act 1965</i> assented to   | 21 Dec 1965               | Act other than s. 4-9:<br>21 Dec 1965 (see s. 2(1));<br>s. 4-9: 14 Feb 1966 (see s. 2(2)) |
| <i>Warehousemen's Liens Amendment Regulations 2007</i>   | 24 Aug 2007<br>p. 4319-21 | 24 Aug 2007   |
| <b>Reprint 1: The <i>Warehousemen's Liens Regulations 1952</i> as at 2 Nov 2007</b> (includes amendments listed above) |                           |   |

<sup>2</sup> Now known as the *Warehousemen's Liens Regulations 1952*; citation changed (see note under r. 1).