

LOST REGISTERS ORDINANCE 1950.⁽¹⁾

No. 16 of 1950.

An Ordinance to provide for the transfer and keeping of Registers opened and kept under the National Security (External Territories) Regulations of the Commonwealth, and for other purposes.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949*, as follows:—

- Short title. 1. This Ordinance may be cited as the *Lost Registers Ordinance 1950.*⁽¹⁾
- Commencement. 2. This Ordinance shall be deemed to have come into operation on the first day of January, One thousand nine hundred and fifty.
- Definitions. 3. In this Ordinance, unless the contrary intention appears—
 “lost register” means any register kept on and before the twelfth day of February, One thousand nine hundred and forty-two, in pursuance of any law of the Territory of Papua or the Territory of New Guinea, which—
 (a) by reason of circumstances arising out of the recent war, has been lost or destroyed or is not accessible; and
 (b) is declared by the Administrator by notice⁽²⁾ in the *Gazette* to be a lost register;
 “the recent war” means the war with Germany which commenced on the third day of September, One thousand nine hundred and thirty-nine, and includes any other war in which His Majesty became engaged after that date and before the commencement of this Ordinance.

4. Where a register has been opened and kept in pursuance of regulation twenty-one A of the National Security (External Territories) Regulations⁽³⁾ of the Commonwealth in lieu of a lost

(1) Particulars of this Ordinance are as follows:—

Date on which made by Gov.-Gen. in Council.	Date on which notified in <i>Commonwealth Gaz.</i>	Date on which took effect.
2.8.1950	10.8.1950	1.1.1950 (Sec. 2, <i>Lost Registers Ordinance 1950</i>)

(2) A notice dated 15.11.1950 and published in Papua and N.G. *Govt. Gaz.* of 20.11.1950 declaring registers to be lost registers is printed in this Volume on p. 718.

(3) Printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)*, on pp. 44-66.

Transfer of registers opened and kept under National Security (External Territories) Regulations.

register, the Administrator may by notice⁽⁴⁾ in the *Gazette* direct that that register shall be transferred to and kept by an officer specified in the notice.

5. Where evidence is produced to the satisfaction of the officer to whom a register is transferred in pursuance of section four of this Ordinance that any matter or thing may reasonably be presumed to have been entered in the lost register which that register replaces he may, in his discretion, enter in the register such particulars of that matter or thing as it is established to his satisfaction may reasonably be presumed to have been entered in the lost register, and such other particulars as he considers expedient.

Entries in transferred registers.

6.—(1.) The officer to whom a register is transferred in pursuance of section four of this Ordinance may issue—

Copies and extracts.

- (a) a copy of, or extract from, that register; or
- (b) a certificate or other document based on an entry in that register.

(2.) There shall be payable in respect of the issue of a document in pursuance of this section the same fee as would be payable in respect of the issue of a similar document under the law of the Territory of Papua or the Territory of New Guinea, as the case may be.

7.—(1.) An entry in a register transferred to an officer in pursuance of section four of this Ordinance, and a copy, extract, certificate or other document, made or issued in pursuance of this Ordinance shall, in all courts and before all persons, have the same force and effect as if the entry were an entry duly made in the lost register, or as if the copy, extract, certificate or other document was based on the lost register and was duly issued by a person authorized to issue those documents under the law of the Territory of Papua or the Territory of New Guinea, as the case may be.

Effect of entries in and extracts, &c., from transferred registers.

(2.) For the purposes of this section, an entry made or a copy, extract, certificate or other document issued before the commencement of this Ordinance in pursuance of regulation twenty-one A of the National Security (External Territories) Regulations⁽³⁾ of the Commonwealth in respect of a register opened and kept under that regulation in lieu of a lost register shall be deemed to have been made or issued in pursuance of this Ordinance.

(3) Printed in *The Laws of the Territory of Papua-New Guinea 1945-1949 (Annotated)* on pp. 44-66.

(4) A notice dated 15. 11. 1950 and published in *Papua and N.G. Govt. Gaz.* of 20. 11. 1950 directing registers to be transferred and kept is printed in this Volume on p. 719.

**NOTICE MADE PURSUANT TO SECTION 3 OF THE
LOST REGISTERS ORDINANCE 1950 DECLARING
REGISTERS TO BE LOST REGISTERS.**

NOTICE.⁽¹⁾

Lost Registers Ordinance 1950.

NOTICE PURSUANT TO SECTION 3.

I FREDERICK BEAUMONT PHILLIPS, a Deputy of the Administrator of the Territory of Papua and New Guinea, in pursuance of the powers conferred by Section 3 of the *Lost Registers Ordinance 1950* of the Territory of Papua and New Guinea and all other powers me enabling, hereby declare the Registers named in the Schedule hereto to be Lost Registers for the purposes of the Ordinance.

SCHEDULE.

Register of Firms and Persons (Under *Business Names Ordinance 1935* of the Territory of New Guinea).

Registers of Companies (Under *Companies Ordinance, 1912-1926* (Papua, adopted) and *Companies Ordinance 1933-1938* of the Territory of New Guinea).

Register of Administration Leases, Register Book (Under *Lands Registration Ordinance 1924-1939* of the Territory of New Guinea).

General Register of Mining Leases (Under *Mining Ordinance 1922*⁽²⁾ of the Territory of New Guinea).

Registers of Births, Registers of Deaths, Registers of Marriages (Under *Registration of Births, Deaths, and Marriages Ordinance 1935-1941* of the Territory of New Guinea).

Registers of Companies (Under *Companies Ordinance, 1912-1926*, of the Territory of Papua).

Dated at Port Moresby, this fifteenth day of November, 1950.

F. B. PHILLIPS,
Deputy Administrator.

(1) Published in Papua and N.G. *Govt. Gaz.* of 20.11.1950.

(2) Repealed and replaced by the *Mining Ordinance 1928-1940*, printed in *The Laws of the Territory of New Guinea 1921-1945 (Annotated)*, Vol. III., on pp. 3221-3292.

NOTICE MADE PURSUANT TO SECTION 4 OF THE LOST REGISTERS ORDINANCE 1950 DIRECTING REGISTERS TO BE TRANSFERRED AND KEPT.

NOTICE.⁽¹⁾

Lost Registers Ordinance 1950.

NOTICE PURSUANT TO SECTION 4.

I FREDERICK BEAUMONT PHILLIPS, a Deputy of the Administrator of the Territory of Papua and New Guinea, in pursuance of the powers conferred by Section 4 of the *Lost Registers Ordinance 1950* and all other powers me enabling, hereby direct that each of the Registers named in the Schedule hereto which have been opened and kept in pursuance of Regulation Twenty-one A of the National Security (External Territories) Regulations of the Commonwealth in lieu of lost Registers shall be transferred to and kept by the Officer named in the Schedule.

SCHEDULE.

Register.	Officer by whom Register is to be kept.
Register of Firms and Persons (Under <i>Business Names Ordinance 1935</i> of the Territory of New Guinea)	Registrar of Firms for the Territory of New Guinea
Registers of Companies (Under <i>Companies Ordinance, 1912-1926</i> (Papua, adopted) and <i>Companies Ordinance 1933-1938</i> of the Territory of New Guinea)	Registrar of Companies for the Territory of New Guinea
Register of Administration Leases, Register Book (Under <i>Lands Registration Ordinance 1924-1939</i> of the Territory of New Guinea)	Registrar of Titles for the Territory of New Guinea
General Register of Mining Leases (Under <i>Mining Ordinance 1922</i> ⁽²⁾ of the Territory of New Guinea)	Registrar of Titles for the Territory of New Guinea
Registers of Births, Registers of Deaths, Registers of Marriages (Under <i>Registration of Births, Deaths, and Marriages Ordinance 1935-1941</i> of the Territory of New Guinea)	Registrar-General for the Territory of New Guinea
Registers of Companies (Under <i>Companies Ordinance, 1912-1926</i> , of the Territory of Papua)	Registrar of Companies for the Territory of Papua

Dated at Port Moresby, this fifteenth day of November, 1950.

F. B. PHILLIPS,
Deputy Administrator.

(1) Published in Papua and N.G. *Govt. Gaz.* of 20.11.1950.

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