

**Reprint
as at 1 March 2017**

Imprisonment for Debt Limitation Act 1908

Public Act 1908 No 80
Date of assent 4 August 1908

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered by the Ministry of Justice.

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An Act to consolidate certain enactments of the Parliament of New Zealand relating to the limitation of imprisonment for debt

Title: amended, on 1 January 1987, pursuant to section 29(2) of the Constitution Act 1986 (1986 No 114).

1 Short Title, etc

- (1) The Short Title of this Act is the Imprisonment for Debt Limitation Act 1908.
- (2) This Act is a consolidation of the enactments mentioned in the Schedule.
- (3) All matters and proceedings commenced under any of the said enactments, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

2 Interpretation

[Repealed]

Section 2: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

3 Limitation of imprisonment for non-payment of money

- (1) With the exceptions hereinafter mentioned, no person shall be arrested or imprisoned for making default in payment of a sum of money.
- (2) There shall be excepted from the operation of the above enactment—
 - (a) default in payment of a penalty or sum in the nature of a penalty other than a penalty in respect of any contract:
 - (b) default in payment of any sum recoverable before the District Court under the Summary Proceedings Act 1957, or otherwise than under the District Court Act 2016:
 - (c) default by a trustee or person acting in a fiduciary capacity, and ordered to pay by a Court having jurisdiction in the matter any sum in his possession or control:
 - (d) default by a solicitor in payment of costs when ordered to pay costs for misconduct as such, or in payment of a sum of money when ordered to pay the same in his character of an officer of the Court making the order:
 - (e) default in payment for the benefit of creditors of any portion of a salary or other income in respect of the payment of which any Court having jurisdiction in bankruptcy is authorised to make an order:

provided, first, that in any case excepted as aforesaid no person shall be imprisoned for a longer period than 1 year; and, secondly, that nothing in this section shall alter the effect of any judgment or order of any Court for payment of money, except as regards the arrest and imprisonment of the person making default in paying such money.

Compare: 1874 No 14 s 3

Section 3(2)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 3(2)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

4 Power of committal for non-payment of debts in certain cases

[Repealed]

Section 4: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

5 Cases in which debtor may be committed

[Repealed]

Section 5: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

6 Examination may be on oath

[Repealed]

Section 6: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

7 Procedure

[Repealed]

Section 7: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

8 No order for committal against judgment debtor in certain cases

[Repealed]

Section 8: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

8A Effects of adjudication in bankruptcy on committal order under judgment summons

[Repealed]

Section 8A: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

9 Preceding section not retrospective

[Repealed]

Section 9: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

10 Court may direct payment to be by instalments

[Repealed]

Section 10: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

11 Court may order payment of debt by instalments

[Repealed]

Section 11: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

12 Judge may exercise jurisdiction in Chambers

[Repealed]

Section 12: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

13 Committals to public prison

[Repealed]

Section 13: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

14 Order of committal

[Repealed]

Section 14: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

15 Imprisonment not to operate as extinguishment of debt

[Repealed]

Section 15: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

16 Discharge out of custody on payment

[Repealed]

Section 16: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

17 Discharging out of custody in other cases

[Repealed]

Section 17: repealed, on 1 January 1990, by section 2(1) of the Imprisonment for Debt Limitation Amendment Act 1989 (1989 No 108).

Schedule
Enactments consolidated

s 1(2)

Imprisonment for Debt Abolition Act 1874 (1874 No 14)

Amendment(s) incorporated in the Act(s).

Imprisonment for Debt Limitation Act 1900 (1900 No 36)

Amendment(s) incorporated in the Act(s).

Imprisonment for Debt Limitation Amendment Act 1903 (1903 No 64)

Amendment(s) incorporated in the Act(s).

Eprint notes**1 *General***

This is an eprint of the Imprisonment for Debt Limitation Act 1908 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

District Court Act 2016 (2016 No 49): section 261

Criminal Procedure Act 2011 (2011 No 81): section 413