



ANALYSIS

Title
1. Short Title

2. Duty to retain part of contract price
3. Actions to enforce liens and charges

1961, No. 67

An Act to amend the Wages Protection and Contractors' Liens Act 1939 [24 November 1961]

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—This Act may be cited as the Wages Protection and Contractors' Liens Amendment Act 1961, and shall be read together with and deemed part of the Wages Protection and Contractors' Liens Act 1939* (hereinafter referred to as the principal Act).

2. Duty to retain part of contract price—(1) The principal Act is hereby amended by repealing section 32 (as substituted by section 2 of the Wages Protection and Contractors' Liens Amendment Act 1952), and substituting the following section:

“32. In addition to the amount (if any) that he is required by section 31 of this Act to retain, every employer or contractor, whether or not he has received any notice of lien or charge, shall retain in his hands until the expiration of thirty-one days after the date of the completion or abandonment of the work specified in the contract or subcontract the following

*1957 Reprint, Vol. 16, p. 449
Amendment: 1958, No. 100

percentage of so much of the contract price as has become payable at any time since the making of the contract or subcontract, or would be so payable but for a provision inserted in the contract or subcontract to secure its retention in conformity with this Act, namely:

- “(a) Ten per cent of the first hundred thousand pounds or part thereof:
- “(b) Five per cent of the next four hundred thousand pounds or part thereof:
- “(c) Two and one-half per cent of the next five hundred thousand pounds or part thereof:
- “(d) One per cent of the next one million pounds or part thereof:
- “(e) One quarter per cent of any amount in excess of two million pounds.”

(2) Section 2 of the Wages Protection and Contractors' Liens Amendment Act 1952 and paragraph (b) of subsection (2) of section 3 of the Wages Protection and Contractors' Liens Amendment Act 1958 are hereby consequentially repealed.

3. Actions to enforce liens and charges—(1) Section 34 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Subject to subsection (5) of this section, an action under this section must be commenced not later than sixty days after the date of the completion or abandonment of the work specified in the contract between the employer and the head-contractor or worker employed directly by the employer.”

(2) Paragraph (c) of subsection (2) of section 3 of the Wages Protection and Contractors' Liens Amendment Act 1958 is hereby consequentially repealed.

This Act is administered in the Department of Labour.
