

## **Child Support Amendment Bill (No 2)**

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Taxation (Annual Rates, GST, Trans-Tasman Imputation and Miscellaneous Provisions) Bill as reported from the Finance and Expenditure Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Taxation (GST, Trans-Tasman Imputation and Miscellaneous Provisions) Bill comprising Parts 2 to 4 (except for clauses 125 to 131, and clause 134)
  - The Taxation (Annual Rates of Income Tax 2003–04) Bill, comprising Part 1
  - The Student Loan Scheme Amendment Bill (No 2), comprising clauses 125 to 131
  - This bill, comprising clause 134.
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*Hon Dr Michael Cullen*

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		Unpaid financial support to constitute charge on payer's property

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Child Support Amendment Act (No 2) **2003**.

**2 Commencement**

This Act comes into force on the day on which it receives the Royal assent.

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**134 Unpaid financial support to constitute charge on payer's property**

Section 169(4) to (7) of the Child Support Act 1991 are replaced by the following:

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“(4) Despite section 23(b) of the Personal Property Securities Act 1999, if a charge affects property against which charges may be registered under a registration Act, the Commissioner may register the charge under the registration Act.

“(4B) The Commissioner is not required to pay a fee for the registration of a charge under a registration Act in reliance on this section.

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“(5) For the purpose of this section, **registration Act**, in relation to any property, includes—

“(a) the Statutory Land Charges Registration Act 1928 in every case where the property is land or an interest in land (including a mortgage):

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“(b) the Personal Property Securities Act 1999.

- “(6) Particulars recorded under **subsection (4)** are to operate and take priority according to the provisions of the applicable registration Act.
- “(6B) If the registration under this section of a charge over property occurs after the registration of a mortgage over the same property and before an advance of money secured by the mortgage, the charge has priority over the mortgage in respect of that money. 5
- “(7) On the satisfaction of a charge that is registered under a registration Act in reliance on this section, the Commissioner must release the charge in the manner required by the registration Act, with such modifications as may be necessary. 10
- “(7B) The Commissioner is not required to pay a fee for the release of a charge that is registered under a registration Act in reliance on this section.” 15

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### Legislative history

18 November 2003

Divided from Taxation (Annual Rates, GST, Trans-Tasman Imputation and Miscellaneous Provisions) Bill (Bill 60–2) as Bill 60–3D

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