

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 11 July 1989.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 10 October 1989.

[Clauses 62 to 70 of and the Schedule to this Bill were formerly clauses 62 to 70 of and the First Schedule to the Law Reform (Miscellaneous Provisions) Bill: 122-2]

Hon. W. P. Jeffries

DISTRICT COURTS AMENDMENT (NO. 2)

ANALYSIS

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A BILL INTITULED

An Act to amend the Districts Courts Act 1947

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the District Courts Amendment Act (No. 2) 1989, and shall be read together with and deemed part of the District Courts Act 1947 (hereinafter referred to as the principal Act).

(2) Except as provided in subsections (3) and (4) of this section, this Act shall come into force on the day on which it receives the Royal assent.

(3) Section 66 of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

(4) Section 69 of this Act shall come into force on the 1st day of January 1990.

62. Extending general civil jurisdiction of District Courts—(1) The principal Act is hereby amended—

- (a) By omitting from section 29 (as amended by section 9 (1) of the District Courts Amendment Act 1979) the expression "\$12,000" in both places where it occurs, and substituting in each case the expression "\$50,000":
- (b) By omitting from paragraph (b) of section 30 (as so amended) the expression "\$12,000", and substituting the expression "\$50,000":
- (c) By omitting from section 33 (as so amended) the expression "\$12,000" in every place where it occurs, and substituting in each case the expression "\$50,000":
- (d) By omitting from section 34 (as so amended) the expression "\$12,000" in every place where it occurs, and substituting in each case the expression "\$50,000":
- (e) By omitting from section 36 (as so amended) the expression "\$12,000" in every place where it occurs, and substituting in each case the expression "\$50,000":

(f) By omitting from section 111 (as so amended) the expression "\$12,000", and substituting the expression "\$50,000".

5 (2) Section 9 of the District Courts Amendment Act 1979 is hereby consequentially repealed.

63. Extending jurisdiction in actions for recovery of land—(1) Section 31 (1) of the principal Act (as amended by section 10 (1) of the District Courts Amendment Act 1979) is hereby amended—

10 (a) By omitting the expression "\$6,000", and substituting the expression "\$25,000":

(b) By omitting the expression "\$50,000", and substituting the expression "\$200,000".

15 (2) Section 10 of the District Courts Amendment Act 1979 is hereby consequentially repealed.

64. Transfer to High Court of proceedings within jurisdiction—(1) Section 43 of the principal Act (as amended by section 11 of the District Courts Amendment Act 1979) is hereby amended by omitting from subsection (1), and also from
20 subsection (2), the expression "\$3,000", and substituting in each case the expression "\$12,000".

(2) Section 11 of the District Courts Amendment Act 1979 is hereby consequentially repealed.

65. Amount of wages, etc., for which minor may sue—

25 (1) Section 50 (1) of the principal Act (as amended by section 13 of the District Courts Amendment Act 1979) is hereby amended by omitting the expression "\$12,000", and substituting the expression "\$50,000".

30 (2) Section 13 of the District Courts Amendment Act 1979 is hereby consequentially repealed.

66. Examination of witnesses and service of process abroad—The principal Act is hereby amended by repealing section 55 (as substituted by section 11 of the Judicature Amendment Act (No. 2) 1985), and substituting the following
35 section:

"55. (1) The District Court may, on application made in accordance with the rules, issue a commission, request, or order to examine witnesses abroad for the purpose of any proceedings.

“(2) The District Court may, on application in accordance with the rules, direct and supervise the service abroad of any process of the Court.”

67. Equity and good conscience—(1) Section 59 of the principal Act (as amended by section 14 of the District Courts Amendment Act 1979) is hereby amended by omitting the expression “\$500”, and substituting the expression “\$3,000”.

(2) Section 14 of the District Courts Amendment Act 1979 is hereby consequentially repealed.

68. Nature of proceedings for enforcement of judgment—Section 79 (1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

“(c) Proceedings for an attachment order against the salary or wages of the judgment debtor.”

69. New sections relating to enforcement inserted—The principal Act is hereby amended by inserting, after section 84, the following cross-headings and sections:

“Discovery in Aid of Execution

“84A. Notice to judgment debtor to complete financial statement—(1) Any person who has obtained a judgment or order for the payment of money may serve on the judgment debtor a notice in the prescribed form requiring him or her to complete and return to that person, within 14 days after the date on which the notice is served on the judgment debtor, a statement in the prescribed form of—

“(a) The judgment debtor’s *(receipts and payments)* income and expenditure for the preceding 52 weeks; and

“(b) The judgment debtor’s assets and liabilities.

“(2) An additional copy of the prescribed form, for the judgment debtor’s own use, shall be served with the notice.

Cf. 1908, No. 89, Second Schedule, r. 620

“84B. Order for examination of judgment debtor—(1) Whether or not a notice has been served pursuant to **section 84A** of this Act, any person who has obtained a judgment or order for the payment of a sum of money may apply to the Court *ex parte* for an order that the judgment debtor or, if the judgment debtor is a corporation, an officer of the judgment debtor, do attend before the Court and be orally examined as to the judgment debtor’s income, expenditure, assets, liabilities,

and generally as to the judgment debtor's means for satisfying the judgment debt.

Struck Out

5 “(2) The Court may also make an order under **subsection (1)** of this section on the application of the judgment debtor. Any such application shall be served on the judgment creditor at least 3 days before the date on which the application is heard.

New

“(2) Whether or not a notice has been served pursuant to **section 84A** of this Act, any judgment debtor may apply to the Court *ex parte* for an order under **subsection (1)** of this section.

10 “(3) Upon granting the application, the Court may order the production at the examination of any books or other documents, and may impose such terms and conditions as it shall think proper in respect of the conduct of the examination or otherwise.

15 “(4) Where the order has been made on the application of the judgment creditor, a copy of the order in the prescribed form shall be served personally upon the judgment debtor at least 3 days before the date of the examination, and the person
20 effecting the service shall at the time of service pay or tender to the judgment debtor the travel expenses estimated to be payable under the Witnesses and Interpreters Fees Regulations 1974.

New

25 “(5) Where the order has been made on the application of the judgment debtor, a copy of the order in the prescribed form shall be served personally upon the judgment creditor at least 3 days before the date of the examination.

Cf. 1908, No. 89, Second Schedule, r. 621; S.R. 1981/259, r. 236

Struck Out

“84c. Where judgment debtor does not appear at examination—(1) If the judgment debtor fails to appear before the District Court at the time and place specified in the order made under **section 84a** of this Act, or at any subsequent time and place to which the examination is adjourned, the order shall not be enforced by committal, but a Judge may issue a warrant to arrest the debtor and bring the debtor before the Court as soon as possible. 5

“(2) Where the judgment debtor is arrested pursuant to this section, the following provisions shall apply: 10

“(a) The judgment debtor shall be bailable as of right: 10

“(b) The provisions of Part II of the Summary Proceedings Act 1957 relating to adjournments and bail shall apply, with such modifications as may be necessary, as if the examination was the hearing of a charge: 15

“(c) Where the judgment debtor cannot practicably be brought immediately before a Court, any constable may take the bail bond of the judgment debtor; and the provisions of Part II of the Summary Proceedings Act 1957 relating to bail shall apply, with such modifications as may be necessary, as if the bail bond were taken under section 51 (1) of that Act. 20

New

“84c. Where judgment debtor does not appear at examination or order cannot be served—If— 25

“(a) Any order made under **section 84a** of this Act cannot be served on the judgment debtor; or

“(b) The judgment debtor fails to appear before the District Court at the time and place specified in any order made under that section, or at any subsequent time and place to which the examination is adjourned,— 30
the order shall not be enforced by committal, but a Judge, or if a Judge is not available, a Registrar, may issue a warrant to arrest the debtor.

“(2) Where the judgment debtor is arrested pursuant to this section, the following provisions shall apply: 35

New

- “(a) The judgment debtor shall be brought before a Judge or a Registrar as soon as possible for the purpose of commencing or continuing the examination:
- 5 “(b) The judgment debtor shall be bailable as of right:
- “(c) The provisions of Part II of the Summary Proceedings Act 1957 relating to adjournments and bail shall apply with any necessary modifications as if any such appearance at the examination before a Judge or Registrar constituted part of the hearing of a charge, and as if references in those provisions to a Court included references to a Judge or Registrar:
- 10 “(d) Where the judgment debtor cannot practicably be brought immediately before a Judge or a Registrar, any constable may take the bail bond of the judgment debtor, and the provisions of Part II of the Summary Proceedings Act 1957 relating to bail shall apply with any necessary modifications as if the bail bond were taken under section 51 (1) of that Act.
- 15

Cf. 1957, No. 87, s. 88; 1987, No. 165, s. 14

20 “84D. **Conduct of examination**—(1) An examination under **section 84a** of this Act shall be made orally on oath before a District Court Judge or Registrar.

“(2) The judgment debtor shall appear personally, and may be represented by a barrister or solicitor who may examine the judgment debtor and be heard on the matter of the judgment debtor’s means for satisfying the judgment.

25

“(3) The judgment debtor may be cross-examined by or on behalf of the judgment creditor.

“(4) Any witness may be cross-examined by or on behalf of the judgment debtor or judgment creditor.

30

“(5) Any examination under **section 84a** of this Act may from time to time be adjourned by the Court to a time and place to be appointed.

Cf. 1980, No. 94, s. 128

35 “84E. **Orders by Court**—(1) Upon completion of an examination under **section 84a** of this Act, the District Court may, after giving the judgment creditor and judgment debtor an opportunity to be heard, do any one or more of the following:

- “(a) Direct that one or more of the proceedings referred to in section 79(1) of this Act be commenced or continued, as the case may be, and also direct any steps to be taken in such proceedings, and, for any such purpose, issue any warrant or summons or make any order: 5
- “(b) Make an order that the money owing under the judgment be paid by such instalments payable at such times as the Court may fix:
- “(c) Stay any proceedings for the enforcement of the judgment: 10
- “(d) Make an order varying any order relating to the enforcement of the judgment made under this Act.

New

“(1A) The Court may do any one or more of the things referred to in subsection (1) of this section as it considers appropriate, notwithstanding— 15

- “(a) That no application was made for the direction, order, or stay in question; or
- “(b) That application was made for a different direction, order, or stay. 20

“(2) The jurisdiction of the District Court under this section may be exercised by the Registrar.

Cf. 1980, No. 94, s. 129

Attachment Orders

“84F. **Interpretation**—In sections 84G to 84M of this Act, unless the context otherwise requires,— 25

“ ‘Employer’, in relation to a judgment debtor, includes,—

- “(a) A person by whom a retiring allowance or pension or other payment of a similar nature is payable to the judgment debtor: 30

- “(b) The Accident Compensation Corporation in respect of earnings related compensation payable to the judgment debtor:

New

“(c) The Director-General of Social Welfare in respect of a benefit payable to the judgment debtor: 35

“ ‘Salary or wages’ includes—

“(a) A retiring allowance or pension or other payment of a similar nature:

“(b) Earnings related compensation under the Accident Compensation Act 1972 or the Accident Compensation Act 1982.

5

New

“(c) A benefit within the meaning of Part I of the Social Security Act 1964.

Cf. 1957, No. 87, s. 79; 1980, No. 94, s. 2; 1986, No. 88, No. 2; 1987, No. 165, s. 14

10 “84G. **Attachment orders**—(1) The Court may, on the application of the judgment creditor at any time after judgment has been entered, make an attachment order under this section.

15 “(2) No attachment order shall be made unless the judgment debtor has been examined under **section 84B** of this Act.

“(3) An attachment order may be made against a person who is proved to the satisfaction of the Court to be an employer of the judgment debtor.

20 “(4) The attachment order shall specify the person to whom the amounts to be deducted are to be paid.

“(5) Every attachment order may be made for a fixed period or so as to remain in force until the judgment debt has been paid in full.

25 “(6) Every attachment order shall specify an amount (known as the protected earnings rate) below which the net earnings or benefit paid to the judgment debtor shall not be reduced by reason of compliance with the order.

Struck Out

30 “(7) No attachment order under this Act shall operate so that, together with any attachment order made under any other Act, the net earnings of the judgment debtor are reduced below the protected earnings rate, and, where necessary, the specified amount to be deducted in any attachment order under this Act shall be reduced or cancelled accordingly.

New

“(7) No attachment order under this Act shall operate so that, together with—

“(a) Any attachment order under any other Act; and

“(b) Any deduction notice made under the Family Proceedings Act 1980 or issued under section 27v of the Social Security Act 1964; and 5

“(c) In the case of a benefit within the meaning of Part I of the Social Security Act 1964, any adjustment to or deduction from benefit under section 27x or section 86 of that Act,— 10

the net earnings or any benefit of the judgment debtor are reduced below the protected earnings rate, and, where necessary, the specified amount to be deducted in any attachment order under this Act shall be reduced or cancelled accordingly. 15

“(8) Nothing in section 97 of the Shipping and Seamen Act 1952 shall apply to an attachment order.

New

“(8A) Nothing in section 84 of the Social Security Act 1964 shall apply to an attachment order under this section.

“(9) The jurisdiction of the District Court under this section 20 may be exercised by the Registrar.

Cf. 1957, No. 87, s. 103; 1980, No. 94, s. 105; 1987, No. 165, s. 14

“84H. Attachment order to be served on employer—

(1) Where an attachment order is made, a copy of the order 25 shall be served on the employer to whom it relates, either personally or by leaving it at the employer’s place of residence or business, or by sending it by letter addressed to the employer at the employer’s place of residence or business.

“(2) Where service of an attachment order is effected by 30 letter, then, in the absence of proof to the contrary, the order shall be deemed to have been served on the 4th working day after the day on which it was posted, and in proving service it shall be sufficient to prove that the letter was properly addressed and posted. 35

“(3) Every attachment order shall take effect when a copy of the order is served on the employer in accordance with this section.

5 Cf. 1957, No. 87, s. 104; 1980, No. 94, s. 106; 1987, No. 165, s. 14

“84i. **Effect of attachment orders**—(1) An attachment order shall direct that the money due and payable under the judgment shall, by way of weekly payments of such amount as is specified in the attachment order, be a charge on any salary or wages that from time to time while the attachment order remains in force become due and payable by the employer to the judgment debtor.

“(2) The charge so created—

15 “(a) Shall accrue from week to week, and on such day of the week as is specified in the attachment order; and

20 “(b) Shall attach to all salary or wages that become due by the employer to the judgment debtor at any time while the attachment order is in force, whether or not the contract of employment in respect of which the salary or wages so become due existed at the date of the attachment order; and

Struck Out

25 “(c) Shall be subject to any charge created by any attachment order made under the Family Proceedings Act 1980 or the Summary Proceedings Act 1957 (whether before or after the making of the attachment order under this Act) but shall prevail over and have priority to any assignment or charge created by the judgment debtor (whether before or after the making of the attachment order under this Act), and
30 so that the attachment order shall have the same effect as if no such assignment or charge had been made or created by the judgment debtor.

New

35 “(c) Shall be subject to—
“(i) Any charge created by any attachment order or deduction notice made under the Family Proceedings Act 1980;

New

“(ii) Any charge created by any attachment order made under the Summary Proceedings Act 1957:

“(iii) Any deduction notice issued under section 27y of the Social Security Act 1964:

“(iv) In the case of an attachment order against a benefit within the meaning of Part I of the Social Security Act 1964, any deduction from or adjustment to that benefit under section 27x or section 86 of that Act,—

(whether the charge was created or the adjustment or deduction was authorised before or after the making of the attachment order under this Act); but

“(d) Shall prevail over and have priority to any assignment or charge created by the judgment debtor (whether before or after the making of the attachment order under this Act), and so that the attachment order shall have the same effect as if no such assignment or charge had been made or created by the judgment debtor.

Cf. 1980, No. 94, s. 107

“84j. **Liability of employer**—(1) Subject to section 84g (7) of this Act, as long as an attachment order remains in force, the employer to whom it relates shall from time to time, whenever any money becomes due and payable by the employer to the judgment debtor by way of salary or wages,—

“(a) Deduct from that money such sum as is sufficient to satisfy the charge on the money so far as the same has accrued before the day on which the salary or wages becomes due and payable; and

Struck Out

“(b) Pay the amount within 14 days of the date the deduction is made to the person specified in the attachment order.

New

“(b) Not later than the 20th day of the month next after the month in which the deduction is made, pay the amount so deducted to the person specified in the attachment order.

5 “(2) All sums so deducted and paid shall be deemed to have been paid by the employer in satisfaction of the salary or wages payable by the employer to the judgment debtor.

“(3) All sums so deducted shall be deemed to have been paid by the judgment debtor in satisfaction of the judgment debtor’s
10 liability to pay the judgment debt.

“(4) Where a judgment debtor in respect of whom an attachment order is in force leaves or is dismissed from the employment of the employer, the employer shall within 7 days notify the Registrar of the Court in which the attachment order
15 was issued.

“(5) Where the employer makes default in the payment of any money in satisfaction of any such charge, that money shall become a debt due by the employer to the judgment creditor, and may be recovered by the judgment creditor by action in
20 any Court of competent jurisdiction.

“(6) Every employer commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who fails without reasonable excuse to comply with **paragraph (a)** or **paragraph (b)** of **subsection (1)** of this section.

25 Cf. 1957, No. 87, s. 106; 1980, No. 94, s. 116; 1987, No. 165, s. 14

“84k. **Wrongful treatment of employee**—(1) Every employer commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who dismisses any
30 employee or alters any employee’s position in the employer’s business or undertaking to the employee’s prejudice by reason of an attachment order having been served on the employer.

“(2) In the prosecution for an offence against **subsection (1)** of this section in which it is proved that the employer, within 6
35 months after the serving on the employer of an attachment order in respect of any employee, dismissed the employee or altered the employee’s position in the employer’s business or undertaking to the employee’s prejudice, it shall be deemed to be proved that the action was taken by reason of the order

having been served on the employer unless the employer proves to the contrary.

Cf. 1957, No. 87, s. 106; 1980, No. 94, s. 116; 1987, No. 165, s. 14

“84L. Extent to which attachment orders bind the Crown— (1) In this section— 5

“‘Employing department’ means—

“(a) A department of State in which a person is employed; and

“(b) In relation to a person to whom any retiring allowance or pension or other payment of a similar nature is payable out of the Government Superannuation Fund or the National Provident Fund, the Treasury: 10

“‘Servant of the Crown’— 15

“(a) Means a person in the service of Her Majesty in respect of the Government of New Zealand:

“(b) Includes a person in temporary or casual service:

“(c) Does not include a person in honorary service: 20

“(d) Includes any person serving in any of the New Zealand Armed Forces:

“(e) Includes a person to whom any retiring allowance or pension or other payment of a similar nature is payable out of the Government Superannuation Fund or the National Provident Fund. 25

“(2) **Sections 84G to 84K** and **section 84M** of this Act shall bind the Crown to the extent of and subject to **(subsection (3)) subsections (3) and (4)** of this section.

“(3) Where the judgment debtor is a servant of the Crown, an attachment order may be made against the Crown as employer, and— 30

“(a) The employing department shall be named in the order as the employer; and

“(b) Service of the order shall be effected on the Chief Executive of the employing department, and also on any officer of the Crown (described by the name of the office, the name of the department, and the place where the officer is stationed) specified in the order; and 35

“(c) Service of the order shall be effected in accordance with **section 84H** of this Act, and, where service is effected by post, it shall be sufficient if the letter is addressed to the person to be served by that person’s official 40

title or any sufficient description without that person's personal name.

New

5 “(4) Where the judgment debtor is entitled to a benefit within the meaning of Part I of the Social Security Act 1964, an attachment order may be made against the Director-General of Social Welfare, and—

10 “(a) Service of the order shall be effected by leaving a copy of the order at, or sending a copy of the order by post to, the District Office of the Department of Social Welfare nearest to the judgment debtor's place of residence; and

“(b) **Section 84k** shall not apply.

Cf. 1957, No. 87, s. 106B; 1980, No. 94, s. 117; 1987, No. 165, s. 14

15 “**84M. Variation, suspension, and discharge of attachment orders**—(1) Any attachment order may at any time be varied, suspended, or discharged by a District Court, on the application on notice of the judgment creditor or judgment debtor, on good cause being shown to the satisfaction of the
20 Court why the order should be so varied, suspended, or discharged.

“(2) The variation, suspension, or discharge shall take effect when notice of it is served on the employer in accordance with **section 84H** of this Act.

25 “(3) The jurisdiction of a District Court under this section may be exercised by the Registrar of the Court.

Cf. 1968, No. 62, s. 99; 1980, No. 94, s. 109

“Review of Registrar's Decision

30 “**84N. Review of Registrar's decision**—(1) Any person affected by any order or direction made by a Registrar under **section 84c** or **section 84E** or **section 84G** or **section 84M** of this Act may apply to a District Court Judge for a review of the order or direction.

New

“(1A) Every such application shall be made within 21 days of the making of the order or direction, or within such further time as a Judge, on application, may allow.

“(1B) The Judge may, on receiving any such application, order that any such order or direction shall be suspended pending the review. 5

“(2) On any such review the Judge may confirm, rescind, or vary the Registrar’s order or direction, and the order or direction shall have effect, or cease to have effect, accordingly.

Cf. 1957, No. 87, s. 106F; 1987, No. 165, s. 14

10

Contempt

“84O. **Contempt procedures**—(1) Where—

“(a) A judgment debtor has been examined under **section 84a** of this Act; and

“(b) The Court is satisfied beyond reasonable doubt that— 15

“(i) The judgment debtor has sufficient means to pay the judgment debt but refuses to do so; and

“(ii) All other methods of enforcing the judgment have been considered or tried and are inappropriate or unsuccessful,— 20

the Court may, on the application of the judgment creditor, order the respondent to undergo periodic detention for such period, not exceeding in any case 6 months, as the Court thinks fit.

“(2) Every application under **subsection (1)** of this section shall be supported by an affidavit setting out the details of the judgment debtor’s alleged disobedience. 25

“(3) A copy of the application and affidavit referred to in **subsection (2)** of this section shall be served on the judgment debtor. 30

“(4) If a copy of that application and affidavit cannot be served on the judgment debtor, or if the judgment debtor fails to appear at the hearing of the application, the Judge may issue a warrant to arrest the judgment debtor and bring the judgment debtor before the Court as soon as possible. 35

“(5) A warrant under **subsection (4)** of this section shall cease to have effect if the judgment debtor pays, or causes to be paid, the amount due under the judgment debt.

“(6) Where a judgment debtor is arrested under a warrant issued under **subsection (4)** of this section, the following provisions shall apply:

“(a) The judgment debtor shall be bailable as of right:

5 “(b) The provisions of Part II of the Summary Proceedings Act 1957 relating to adjournments and bail shall apply, with such modifications as may be necessary, as if the application under **subsection ((2) (1))** of this section was the hearing of a charge:

10 “(c) Where the judgment debtor cannot practicably be brought immediately before a Court, any constable may take the bail bond of the judgment debtor, and the provisions of Part II of the Summary Proceedings Act 1957 relating to bail shall apply with any necessary modifications as if the bail bond were taken under section 51 (1) of that Act.

“(7) An order made under **subsection (1)** of this section shall have effect as if the judgment debtor, following conviction on an information, had been sentenced to periodic detention; and the relevant provisions of the Criminal Justice Act 1985, with any necessary modifications, shall apply accordingly.

20 “(8) Where a District Court, acting under this section, orders a respondent to undergo periodic detention, the judgment debtor shall have the same right of appeal to the High Court against the order as the judgment debtor would have had if the judgment debtor had been convicted and sentenced by the District Court on an information.

“(9) Detention pursuant to this section shall not operate to extinguish or affect the liability of the judgment debtor to pay the judgment debt.

“(10) Section 10 of the Criminal Justice Act 1985 (which relates to legal representation) shall apply in relation to this section as if the District Court were imposing a sentence of imprisonment.

35 Cf. 1980, No. 94, s. 130

“**84P. Application of Offenders Legal Aid Act 1954—**

(1) Every judgment debtor who is brought before a District Court under **section 84o** of this Act may apply for the grant of legal aid under the Offenders Legal Aid Act 1954 as if he or she had been charged with an offence.

“(2) A District Court may, on an application under **subsection (1)** of this section, direct that legal aid under the Offenders Legal Aid Act 1954 be granted to the applicant; and that Act,

with such modifications as may be necessary, shall apply accordingly.

Cf. 1980, No. 94, s. 131

“84Q. Judgment debtor undergoing periodic detention to be discharged on payment—(1) Where a judgment debtor is undergoing periodic detention pursuant to an order under **section 84o** of this Act, the judgment debtor may pay, or cause to be paid, the amount due in respect of the judgment debt. 5

“(2) The warden of the periodic detention centre at which the judgment debtor is required to report, on being notified by the Registrar of payment of that sum, shall thereupon notify the judgment debtor that he or she is no longer required to report, unless there is some other reason for the judgment debtor being required to report to that work centre.” 10

Cf. 1980, No. 94, s. 133

15

70. Extending jurisdiction under other Acts—(1) The enactments specified in the first column of the **First Schedule** to this Act are hereby amended in the manner indicated in that Schedule.

(2) Section 16 of the District Courts Amendment Act 1979 is hereby consequentially repealed. 20

Section 70

SCHEDULE

ENACTMENTS AMENDED BY EXTENDING JURISDICTION OF DISTRICT COURTS

| Act Amended | Amendment |
|--|--|
| 1952, No. 51—The Property Law Act 1952 (Reprinted 1970, Vol. 3, p. 2287) | By omitting from section 143 (2) (as amended by section 16 (1) of the District Courts Amendment Act 1979) the expression “\$16,000”, and substituting the expression “\$60,000”. By omitting from section 152 (6) (a) (as so amended) the expression “\$40,000”, and substituting the expression “\$150,000”. |
| 1967, No. 54—The Insolvency Act 1967 (R.S. Vol. 18, p. 289) | By omitting from section 89 (8) (as so amended) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1969, No. 41—The Minors' Contracts Act 1969 (R.S. Vol. 3, p. 639) | By omitting from section 14 (1) (b) (as so amended) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1970, No. 129—The Illegal Contracts Act 1970 | By omitting from section 9 (1) (b) (as so amended) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1971, No. 147—The Hire Purchase Act 1971 | By omitting from section 47 (b) (as so amended) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1977, No. 54—The Contractual Mistakes Act 1977 | By omitting from section 9 (1) (b) (as so amended) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1979, No. 11—The Contractual Remedies Act 1979 | By omitting from section 12 (1) (b) (as so amended) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1981, No. 27—The Credit Contracts Act 1981 | By omitting from section 45 (1) (b) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1982, No. 132—The Contracts (Privity) Act 1982 | By omitting from section 10 (1) (b) the expression “\$12,000”, and substituting the expression “\$50,000”. |
| 1986, No. 121—The Fair Trading Act 1986 | By omitting from section 43 (3) in every place where it occurs the expression “\$12,000”, and substituting in each case the expression “\$50,000”. |
| 1987, No. 116—The Telecommunications Act 1987 | By omitting from section 20D (2) (as enacted by the Telecommunications Amendment Act 1988) the expression “\$12,000”, and substituting the expression “\$50,000”. |