

District Courts Amendment Bill (No 2)

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Courts and Criminal Matters Bill as reported from the Law and Order Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Crimes Amendment Bill, comprising Part 1
 - The Customs and Excise Amendment Bill, comprising Part 2
 - This bill, comprising Part 3
 - The Immigration Amendment Bill, comprising Part 4
 - The Misuse of Drugs Amendment Bill, comprising Part 5
 - The Privacy Amendment Bill, comprising Part 6
 - The Sentencing Amendment Bill, comprising Part 7
 - The Summary Proceedings Amendment Bill, comprising Part 8
 - The Tax Administration Amendment Bill, comprising Part 9
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Key to symbols used in reprinted bill

As reported from the committee of the whole House

((Subject to this Act,))

Words struck out

Subject to this Act.

Words inserted

Hon Rick Barker

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the District Courts Amendment Act (No 2) **2005**.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 2A Principal Act amended**
This Act amends the District Courts Act 1947.
- 9 Where judgment debtor does not appear at examination
or order cannot be served** 10
- (1) Section 84C(1) is amended by omitting “a Judge, or if a Judge is not available, a Registrar,” and substituting “a Judge or a Registrar”.

- (2) Section 84C(2) is amended by repealing paragraph (d) and substituting the following paragraph:
- “(d) if the judgment debtor cannot practicably be brought immediately before a Judge or a Registrar, any member of the police or any bailiff may take the bail bond of the judgment debtor, and Parts 1 to 3 of the Bail Act 2000 apply with any necessary modifications as if the bail bond were taken by a member of the police under section 21(1) of that Act.” 5
- 10 Interpretation** 10
- Section 84F is amended by inserting in the definition of **salary or wages**, after paragraph (a), the following paragraphs:
- “(ab) a bonus or an incentive payment:
- “(ac) a payment of commission:
- “(ad) a payment in consideration of work performed under a contract for services:” 15
- 11 Extent to which attachment orders bind the Crown**
- Section 84L(4) is amended by repealing paragraph (a) and substituting the following paragraph:
- “(a) service of the order must be effected by leaving a copy of the order at, or sending a copy of the order by post to,— 20
- “(i) the District Office of that department nearest to the judgment debtor’s place of residence; or
- “(ii) an address notified by the chief executive of that department to the chief executive of the ~~(Department for Courts))~~ Ministry of Justice; and” 25
- 12 Contempt procedures**
- Section 84O(6) is amended by repealing paragraph (c) and substituting the following paragraph: 30
- “(c) if the judgment debtor cannot practicably be brought immediately before a Judge or a Registrar, any member of the police or any bailiff may take the bail bond of the judgment debtor, and Parts 1 to 3 of the Bail Act 2000 apply with any necessary modifications as if the bail bond were taken by a member of the police under section 21(1) of that Act.” 35

13 Judgment debtor undergoing periodic detention to be discharged on payment

The heading to section 84Q is amended by omitting “**undergoing periodic detention**” and substituting “**doing community work**”.

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Legislative history

28 March 2006

Divided from the Courts and Criminal Matters Bill
(Bill 41–2) as Bill 41–3C
