

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]  
*House of Representatives, 2 July 1987.*

[This Bill was formerly clauses 130 to 132 of the Law  
Reform (Miscellaneous Provisions) Bill (No. 2)]

*Right Hon. Geoffrey Palmer*

**WAGES PROTECTION AND CONTRACTORS' LIENS  
ACT REPEAL**

ANALYSIS

Title 1. Short Title	2. Repeal of Act 3. Enforcement of lien on chattel
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**An Act to repeal the Wages Protection and Contractors' Liens Act 1939 and to make provision incidental thereto**

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

**1. Short Title**—This Act may be cited as the Wages Protection and Contractors' Liens Act Repeal Act 1987.

**2. Repeal of Act**—(1) The Wages Protection and Contractors' Liens Act 1939 is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

(a) Section 58 of the Statutes Amendment Act 1940:

(b) The Wages Protection and Contractors' Liens Amendment Act 1952:

(c) The Wages Protection and Contractors' Liens Amendment Act 1958:

(d) The Wages Protection and Contractors' Liens Amendment Act 1961:

(e) Section 5 (1) (e) of the Unit Titles Act 1972.

(3) Notwithstanding anything in the preceding provisions of this section, the Wages Protection and Contractors' Liens Act 1939, and the enactments specified in **subsection (2)** of this

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section, shall continue to apply as if this section had not been passed in respect of the following matters:

- (a) Any notice of lien given under section 28 of that Act and still extant immediately before the commencement of this section:
- (b) Any notice of charge given under section 29 of the principal Act and still extant immediately before the commencement of this section:
- (c) Any action commenced under section 34 of that Act and not finally determined before the commencement of this section:
- (d) Any lien registered against the title to any land under section 41 of that Act.

**3. Enforcement of lien on chattel**—(1) Where a person has done work upon a chattel in that person's possession so as thereby to be entitled at law to a lien on the chattel for any amount, and the amount to which that person is entitled remains unpaid for not less than 2 months after it ought to have been paid, that person may, in addition to all other remedies provided by law, cause the chattel to be sold by auction.

(2) Not less than 1 week's notice of the sale shall be given to the owner of the chattel in accordance with **subsection (4)** of this section if the owner's address is known to the person entitled to the lien, and also (whether the owner's address is known or not) by advertisement in a newspaper published in the locality in which the work was done, or if there is no newspaper published in that locality, in a newspaper circulating in the neighbourhood, stating in each case the name of the person entitled to the lien, the amount of the debt, a description of the chattel, the time and place of sale, and the name of the auctioneer. The advertisement need not specify the name of the owner.

(3) The proceeds of the sale shall be applied, first, in payment of the costs of advertising and sale and, secondly, in payment of the amount due under the lien, and any surplus shall, as soon as may be after the completion of the sale, be paid to the Registrar of the District Court nearest to the place of sale, to be held by the Registrar for the benefit of the person entitled to it.

(4) The notice of sale required by **subsection (2)** of this section to be given to the owner of the chattel may be given by causing it to be delivered to that person, or to be left at that person's usual or last known place of abode or business or at any address

specified by that person for that purpose, or to be posted in a letter addressed to that person at that place of abode or business or address.

(5) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to that person when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.