

Serial Number 1940/325.



**THE DESTITUTE PERSONS (CROWN SERVANTS)
ATTACHMENT ORDER 1940.**

GALWAY, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 24th day of
December, 1940.

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL.

PURSUANT to section 12 of the Domestic Proceedings Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby, on the recommendation of the Minister of Finance, make the following Order.

ORDER.

1. This Order may be cited as the Destitute Persons (Crown Servants) Attachment Order 1940.

2. This Order shall come into force on the day following notification in the *Gazette* of the making hereof.

3. In this Order, unless inconsistent with the context,—

“ Servant of the Crown ” means any person in the service of His Majesty in respect of the Government of New Zealand, other than honorary service, and includes temporary and casual employees but excludes persons serving in any of the armed forces of the Crown :

“ Employing Department ” means a Department of State in which a person is for the time being engaged.

4. The provisions of section 43 of the Destitute Persons Act, 1910, as extended by section 11 of the Domestic Proceedings Act, 1939, shall bind the Crown to the extent and subject to the conditions hereinafter set out.

5. An attachment order made under subsection (2) of section 43 of the Destitute Persons Act, 1910, may, in proceedings in which the defendant is a servant of the Crown, be made against the Crown as employer :

Provided that in any such case the employing Department shall be named in the order as the employer.

6. Service of an order so made shall be effected on the Permanent Head of the employing Department, and if the defendant is a temporary or casual employee of the Crown shall also be effected on the local paying officer.

7. Service of an order so made may be effected either as provided by subsection (3) of section 43 of the Destitute Persons Act, 1910, or by sending the same by registered-post letter addressed to the person to be served, and in the address of any such letter it shall be sufficient to describe the person to be served by his official title or any sufficient description without his personal name.

8. Notwithstanding the provisions of this Order, the Crown shall not be liable to pay twice in respect of the same services, and accordingly the Crown may, notwithstanding the making and service of an attachment order as aforesaid, be entitled to make directly to or to the order of a servant of the Crown any payment affected by such attachment order, and the receipt of the person to whom payment is so made shall be a sufficient discharge therefor to the same extent as if no such attachment order had been made.

9. Where a retiring-allowance in respect of which an attachment order is made under section 11 of the Domestic Proceedings Act, 1939, is payable in New Zealand out of the Consolidated Fund, the attachment order shall be served on the Paymaster-General, and shall take effect so as to commence to bind the moneys so payable upon the expiration of fourteen clear days after the date of service; and clause 7 of this Order shall apply to such service.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 9th day of January, 1941.
These regulations are administered in the Justice Department.