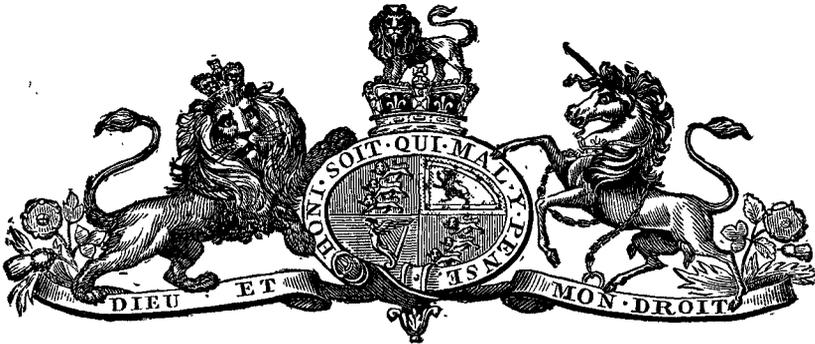


NEW ZEALAND:



ANNO TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

No. LXXVII.

ANALYSIS.

<p>Title.</p> <p>Preamble.</p> <p>1. Short Title.</p> <p>2. Interpretation. "Officer." "Bank."</p> <p>3. Every officer to pay into Bank daily all moneys received.</p> <p>4. If money is to be paid over to person entitled on day received it is not to be paid into Bank.</p>	<p>5. Provision where officer is distant from Bank.</p> <p>6. How moneys withdrawn.</p> <p>7. Judges of Supreme Court to make rules for mode of withdrawal of moneys from account and for audit.</p> <p>8. Auditors to be appointed.</p> <p>9. Officers to send in accounts to Auditor monthly.</p> <p>10. Duties of Auditor.</p> <p>11. Officers to give security.</p>
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AN ACT to provide for the Management and Custody of Moneys in Charge of Officers of the Supreme Court and other Courts of Law within the Colony of New Zealand. Title.
[20th October 1868.]

WHEREAS it is expedient that better provision should be made for the management and custody of various Trust Moneys from time to time placed in charge of the various Officers of the Courts of Law within the Colony of New Zealand and for the rendering of accounts of such moneys and for the audit of such accounts Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows—

1. The Short Title of this Act shall be "The Courts of Law Trust Moneys Act 1868." Short Title.

2. The word "Officer" in this Act means and includes every person holding any of the following offices (that is to say) Registrar or Deputy Registrar of the Supreme Court Sheriff Clerk or Bailiff of a District Court Clerk or Bailiff of a Resident Magistrate's Court Clerk or Bailiff to Justices and every person for the time being lawfully acting in any such office The word "Bank" shall mean any Bank which the Governor shall appoint for the purposes of this Act. Interpretation.
"Officer."
"Bank."

3. Every Officer shall each day immediately before the close of Every officer to pay

Courts of Law Trust Moneys.

into Bank daily all moneys received.

the Bank pay into such Bank all the money in his possession which he shall have received by virtue of his office on account of or for the benefit of any other person to an account to be called "the Trust Account of _____" (specifying the name of the office in virtue of which he receives such money) Provided that if any Officer receive any such money after the hour at which the Bank closes he shall pay it into the Bank with his receipts on the following day.

If money is to be paid over to person entitled on day received it is not to be paid into Bank.

4. If any such money is paid to an Officer and upon the same day is lawfully required to be paid to the person entitled to receive the same before the close of the Bank such Officer shall pay such money to such person forthwith without paying the same into the Bank but shall include the same in his accounts.

Provision where Officer is distant from Bank.

5. If it is inconvenient for any Officer to pay such moneys into the Bank by reason of his distance therefrom such Officer shall keep such money in his custody and shall deal with the same as directed by the Regulations hereinafter mentioned.

How moneys withdrawn.

6. Moneys shall be withdrawn from every such account only by cheque by such person or persons and in such manner as directed in the Regulations hereinafter mentioned.

Judges of Supreme Court to make rules for mode of withdrawal of moneys from account and for audit.

7. The Judges of the Supreme Court or two or more of them on behalf of the Judges shall as soon as conveniently may be after the passing of this Act make Regulations directing the manner in which and the person or persons by whom and the authority by which moneys shall be withdrawn from any such account at the Bank and directing the manner in which such moneys shall be dealt with when not paid into the Bank and directing the mode in which the accounts of Officers shall be rendered and audited and the Judges of the said Court or any two or more of them may from time to time amend or alter such Regulations or make additional Regulations All such Regulations being first approved by the Governor in Council and published in the *New Zealand Gazette* shall have the force of law.

Auditors to be appointed.

8. The Governor shall appoint a fit person for each Province or other district of the Colony as he shall think fit to be the Auditor of the Courts of Law Trust Accounts within such Province or district and shall at his pleasure remove such person and appoint another in his stead.

Officers to send in accounts to Auditor monthly.

9. Every Officer shall within three days after the close of each month send to the Auditor appointed under this Act or for the Province or District in which such Officer is employed an account of the receipt and expenditure of all such moneys as shall have come into his custody during such month in such form and supported by such vouchers and authorities as directed in the Regulations aforesaid Provided that in such cases as the Governor shall think fit the Governor may direct any Officer to render such account quarterly instead of monthly.

Duties of Auditor.

10. It shall be the duty of such Auditor to require that all such accounts shall be transmitted to him with regularity and despatch and to audit the same and if he shall find any error in the account of any Officer to call upon him forthwith to explain the same and if such Officer shall fail or delay to make such explanation to his satisfaction such Auditor shall forthwith report the same to the Colonial Secretary.

Officers to give security.

11. Every Officer shall if so required by the Governor give security for the safe custody of such moneys in his charge in such manner and to such amount as the Governor shall direct.