



## ANALYSIS

Title  
1. Short Title

2. Recovery in Magistrate's Court on behalf of Crown of amounts not exceeding \$500

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1974, No. 81

**An Act to amend the Crown Proceedings Act 1950**

[8 November 1974]

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

**1. Short Title**—This Act may be cited as the Crown Proceedings Amendment Act 1974, and shall be read together with and deemed part of the Crown Proceedings Act 1950 (hereinafter referred to as the principal Act).

**2. Recovery in Magistrate's Court on behalf of Crown of amounts not exceeding \$500**—(1) Section 15 (1) of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting the expression "\$100", and substituting the expression "\$500".

(2) Section 15 of the principal Act (as amended by section 2 of the Crown Proceedings Amendment Act 1969) is hereby further amended by inserting, after subsection (1D), the following subsections:

“(1E) Any warrant of appointment under the foregoing provisions of this section may relate to one or more debts or claims for damages, or to all debts and claims for damages, or to any class or classes of debts or claims for damages or both.

“(1F) Where, pursuant to any warrant of appointment under the foregoing provisions of this section, any person sues on behalf of the Crown for any debt or damages, he shall evidence his authority in that behalf by filing in the proceedings either—

“(a) The warrant relating to his appointment; or

“(b) A certificate by him as to his appointment and as to the non-revocation of his warrant of appointment.

“(1G) In any proceedings for the recovery of a debt or damages, being proceedings in which a warrant of appointment is so filed, if the warrant purports to have been given within one year of the date on which it is filed and relates only to the debt or damages sought to be recovered, it shall be presumed, in the absence of proof to the contrary, that the warrant has not been revoked.

“(1H) In any proceedings for the recovery of a debt or damages, being proceedings in which a certificate is so filed, the certificate shall, in the absence of proof to the contrary, be sufficient evidence of the matters therein stated regarding the appointment and the non-revocation of the warrant.

“(1I) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100 who wilfully or negligently signs any such certificate if the certificate is false in a material respect.”

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This Act is administered in the Department of Justice.

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