



Distress and Replevin Amendment Act 2004

Public Act 2004 No 26
Date of assent 14 April 2004
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Distress and Replevin Amendment Act 2004.
- (2) In this Act, the Distress and Replevin Act 1908 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 New section 4 substituted

The principal Act is amended by repealing section 4, and substituting the following section:

“4 Chattels subject to security interest property of tenant or person in possession in certain circumstances

- “(1) This section applies to chattels subject to a security interest that are the property of any tenant or person in possession of any messuages or lands.
- “(2) The following chattels to which this section applies are deemed, for the purposes of distress for rent, not to be the

property of the tenant or person in possession of the messuages or lands:

“(a) any motor vehicles:

“(b) the chattels that are the property of the tenant, if the tenant is a company or a society incorporated under the Incorporated Societies Act 1908:

“(c) the chattels that are the property of the person in possession of the messuages or lands, if the person is a company or a society incorporated under the Incorporated Societies Act 1908.

“(3) All other chattels to which this section applies are deemed, for the purposes of distress for rent, to be the property of the tenant or person in possession of the messuages or lands if the chattels are found in or on the messuages or lands in respect of which the rent is due at the time the distraint for the rent is made.

“(4) In this section,—

“**company** means—

“(a) a company within the meaning of section 2(1) of the Companies Act 1993:

“(b) an overseas company required, or deemed, to be registered under Part XVIII of the Companies Act 1993

“**motor vehicle** has the same meaning as in section 57 of the Personal Property Securities Act 1999

“**security interest** has the same meaning as in section 17 of the Personal Property Securities Act 1999.”

Legislative history

6 April 2004

Divided from Business Law Reform Bill (Bill 56–2),
third reading

14 April 2004

Royal assent

This Act is administered in the Ministry of Justice.
