



ANALYSIS

Title
1. Short Title

2. Number of Judges increased
3. Charging orders

1987, No. 26

An Act to amend the District Courts Act 1947

[30 March 1987

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

1. Short Title—This Act may be cited as the District Courts Amendment Act 1987, and shall be read together with and deemed part of the District Courts Act 1947 (hereinafter referred to as the principal Act).

2. Number of Judges increased—(1) Section 5 (2) of the principal Act (as substituted by section 6 (1) of the District Courts Amendment Act 1979 and amended by section 2 (1) of the District Courts Amendment Act 1986) is hereby amended by omitting the expression “93”, and substituting the expression “96”.

(2) Section 2 of the District Courts Amendment Act 1986 is hereby consequentially repealed.

3. Charging orders—(1) Section 79 of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Proceedings for a charging order in respect of any property held by the judgment debtor and specified in section 96A (1A) of this Act:”.

(2) Section 96A of the principal Act (as inserted by section 7 of the District Courts Amendment Act 1983) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) Any person who has obtained a judgment or order for the payment of money may apply to the Court in accordance with the rules for a charging order.

“(1A) A charging order may be made in respect of any of the following property:

“(a) Any estate, right, title, or interest in possession, remainder, reversion, or expectancy, and whether vested or contingent, in any land held by the judgment debtor in the judgment debtor’s own name:

“(b) Any right or interest of the judgment debtor in any partnership:

“(c) Any shares held by the judgment debtor in any company incorporated in New Zealand, or having an office in New Zealand in which transfers of shares may be registered:

“(d) Any estate, right, or interest in possession, remainder, reversion, or expectancy, and whether vested or contingent, in any land, or in any money, shares, or other chattels held under or by virtue of any express or implied trust for the judgment debtor.

“(2) Subject, in the case of a charging order made in respect of a registered estate or interest in any land, to registration under subsection (6) of this section, a charging order—

“(a) Shall charge the estate, right, title, or interest of the judgment debtor in the property described in the order with payment of the amount for which the judgment creditor has obtained judgment:

“(b) Shall restrain the person served with it—

“(i) From making, or concurring in making or permitting any conveyance, transfer, assignment, or disposition of any estate, right, or interest, or of any share in a partnership or company, of the judgment debtor; or

“(ii) From paying over any income, interest, dividends, bonus, profits, or other money due or accruing due to the judgment debtor,—
except in accordance with the rules or by leave of the Court:

“(c) Shall be removable into the High Court pursuant to subsection (8) of this section and be enforceable in the High Court in the same way as if the charging order had been issued by the High Court into which it is removed:

“(d) In the case of a charging order in respect of land, shall, unless an instrument of transfer or a deed of conveyance or assignment consequent upon a writ of sale of the land affected by the charging order is registered within 2 years after the date of the charging order, cease to bind the land and shall be deemed to have been discharged unless the Court extends the effect of the charging order in accordance with the rules.”

This Act is administered in the Department of Justice.
