

## New Zealand.



### ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Jurisdiction of Justices abolished.</p> <p>3. No order of committal against judgment debtor in certain cases.</p> | <p>4. Preceding section not retrospective.</p> <p>5. Court may direct payment to be by instalments.</p> <p>6. Assignor to be named in actions for recovery of assigned debts.</p> |
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### 1900, No. 36.

Title. AN ACT to amend "The Imprisonment for Debt Abolition Act, 1874." [13th October, 1900.]

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

Short Title. 1. The Short Title of this Act is "The Imprisonment for Debt Limitation Act, 1900," and it shall form part of and be read together with "The Imprisonment for Debt Abolition Act, 1874" (hereinafter called "the principal Act").

Jurisdiction of Justices abolished. 2. The jurisdiction conferred upon two Justices by the principal Act shall hereafter be exercisable not by them but by a Stipendiary Magistrate alone.

No order of committal against judgment debtor in certain cases. 3. Except in the cases which by section three of the principal Act are declared to be excepted from the operation of that section, and except also in cases where the debt has been incurred by fraud, or where it is proved or by the debtor admitted that he has money of his own which he has refused to pay to the judgment creditor, no order of committal to prison for default in payment of a judgment debt, or of any instalment thereof, shall hereafter be made under the principal Act against a judgment debtor:

Provided that no such order of committal shall be made where the judgment creditor is a person, firm, or company whose business is that of collecting or recovering debts, unless the Court is satisfied that the judgment debt was incurred to the judgment creditor directly, and was not acquired by assignment from the original creditor.

Preceding section not retrospective. 4. The provisions of the last preceding section hereof shall not apply to any debts contracted previous to the passing of this Act, except in the case mentioned in the proviso to such last preceding section.

5. When giving any judgment or making any order for the payment of money, the Court of its own motion, or on the application of any of the parties, may direct that payment be made by instalments of such amount, and at such periodical intervals, as the Court thinks fit.

Court may direct payment to be by instalments.

6. The assignee of a debt shall not be entitled to maintain in any Court any action for the recovery of such debt unless he names the assignor in the plaint-note and summons.

Assignor to be named in actions for recovery of assigned debts.

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