



ANALYSIS

Title
1. Short Title

2. Effects of adjudication in bankruptcy on committal order under judgment summons

1967, No. 81

An Act to amend the Imprisonment for Debt Limitation Act 1908 [23 November 1967]

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 Imprisonment for Debt Limitation Amendment Act 1967, and shall be read together with and deemed part of the Imprisonment for Debt Limitation Act 1908 (hereinafter referred to as the principal Act).

2. Effects of adjudication in bankruptcy on committal order under judgment summons—(1) The principal Act is hereby amended by inserting, after section 8, the following section:

“8A. (1) Where a judgment debtor, on the hearing of a judgment summons under this Act, proves that he has been adjudged a bankrupt, and that the debt is provable in the bankruptcy, no order of committal shall be made.

“(2) Where a judgment debtor, after the making of an order of committal against him, files in the Court in which the order is made an affidavit stating that he has been adjudged a bankrupt and that the debt was provable in the bankruptcy, and annexes to the affidavit a certificate of the

Registrar of the Supreme Court certifying to the fact of adjudication, the order of committal shall not issue, and if issued and not executed shall be recalled.

“(3) Where after a judgment debtor is arrested he is adjudged bankrupt, he may file in any Magistrate’s Court office or Supreme Court office an affidavit stating that he has been adjudged a bankrupt and that the debt was provable in the bankruptcy, which affidavit shall have annexed thereto a certificate of the Registrar of the Supreme Court certifying to the fact of adjudication, and thereupon the judgment debtor shall be discharged out of custody upon the certificate of any Registrar of a Magistrate’s Court or of the Supreme Court.

“(4) When a judgment debtor is released under the provisions of subsection (3) of this section upon a certificate of a Registrar other than the Registrar upon whose warrant of committal he was arrested, the first mentioned Registrar shall notify the facts to the second mentioned Registrar.”

(2) Section 56 of the Bankruptcy Act 1908 is hereby consequentially repealed.

This Act is administered in the Department of Justice.
