

Reprint
as at 1 January 2008

Contracts Enforcement Act 1956

Public Act 1956 No 23
Date of assent 19 October 1956

Contracts Enforcement Act 1956: repealed, on 1 January 2008, by section 366(a) of the Property Law Act 2007 (2007 No 91).

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An Act to reform the law relating to the enforcement of certain contracts

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This Act is administered in the Ministry of Justice

1 Short Title

This Act may be cited as the Contracts Enforcement Act 1956.

2 Proof of contracts relating to land and to guarantees

- (1) This section applies to—
 - (a) Every contract for the sale of land:
 - (b) Every contract to enter into any disposition of land, being a disposition that is required by any enactment to be made by deed or instrument or in writing or to be proved by writing:
 - (c) Every contract to enter into any mortgage or charge on land:
 - (d) Every contract by any person to answer to another person for the debt, default, or liability of a third person.
- (2) No contract to which this section applies shall be enforceable by action unless the contract or some memorandum or note thereof is in writing and is signed by the party to be charged therewith or by some other person lawfully authorised by him.
- (3) Nothing in this section shall—
 - (a) Apply to any sale of land by order of the High Court or through the Registrar of that Court:
 - (b) Apply to any alienation of Maori land by a Maori, being an alienation that is required by the Maori Affairs Act 1953 to be confirmed by the Maori Land Court, or to any sale of Maori land by order of that Court:
 - (c) Affect the operation of the law relating to part performance.
- (4) For the purposes of this section,—

Disposition includes any conveyance, transfer, grant, partition, exchange, lease, assignment, surrender, disclaimer, appointment, settlement, or other assurance; and any declaration or creation of a trust; and any devise, bequest, or appointment by a will

Land means any estate or interest, whether freehold or chattel, in real property.
- (5) The foregoing provisions of this section apply only to contracts made after the passing of this Act.

- (6) This section is in substitution for section 4 of the Statute of Frauds 1677 of the Parliament of England, and that section shall cease to be in force in New Zealand, except in respect of contracts made before the passing of this Act.

Compare: Statute of Frauds 1677, s 4 (UK); Law of Property Act 1925, s 40 (UK)

The words “Supreme Court” have been changed to “High Court” pursuant to section 12 Judicature Amendment Act 1979 (1979 No 124).

3 Consideration for guarantee need not appear in writing

- (1) No contract whereby any person promises to answer to another person for the debt, default, or liability of a third person shall, if the contract or some memorandum or note thereof is in writing and is signed by the party to be charged therewith or some other person lawfully authorised by him, be deemed insufficient to support an action or other proceeding to charge the person by whom the promise was made, by reason only that the consideration for the promise does not appear in writing or by necessary inference from a written document.

- (2) This section is in substitution for section 83 of the Judicature Act 1908, and that section is hereby repealed.

Compare: 1908 No 89 s 83

4 Repeal of section 6 of Sale of Goods Act 1908

- (1) Section 6 of the Sale of Goods Act 1908 is hereby repealed.
- (2) Notwithstanding the repeal of the said section 6, that section shall continue to apply, as if this Act had not been passed, to contracts made before the passing of this Act.

5 Consequential repeal and amendment

- (1) Section 7 of the Sharemilking Agreements Act 1937 is hereby repealed. Notwithstanding the repeal of the said section 7, that section shall continue to apply, as if this Act had not been passed, to sharemilking agreements made before the passing of this Act.

- (2) This subsection amended s 3(2)(b) Law Reform (Testamentary Promises) Act 1949.

6 Saving

Subject to the provisions of this Act, it is hereby declared that the provisions of sections 20 and 21 of the Acts Interpretation Act 1924 shall apply with respect to section 4 of the Statute of Frauds 1677, as repealed by this Act, as if that section were an Act of the General Assembly of New Zealand. Subject as aforesaid, every document made or any thing done under or for the purposes of that section, so far as it is subsisting or in force at the passing of this Act and could have been made or done under or for the purposes of section 2 of this Act, shall continue and have effect as if it had been made or done under or for the purposes of the said section 2 and as if the said section 2 had been in force when the document was made or the thing was done.

7 Act to bind the Crown

This Act shall bind the Crown.

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Notes

1 *General*

This is an eprint of the Contracts Enforcement Act 1956. It incorporates all the amendments to the Contracts Enforcement Act 1956 as at 1 January 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 18 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 *About this eprint*

This eprint has not been officialised. For more information about officialisation, please see "Making online legislation official" under "Status of legislation on this site" in the About section of this website.

3 *List of amendments incorporated in this eprint (most recent first)*

Property Law Act 2007 (2007 No 91): section 366(a)
