

**Reprint
as at 1 March 2017**



Wages Protection and Contractors' Liens Act Repeal Act 1987

Public Act 1987 No 188
Date of assent 3 December 1987
Commencement see section 1(2)

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An Act to repeal the Wages Protection and Contractors' Liens Act 1939 and to make provision incidental thereto

1 Short Title and commencement

- (1) This Act may be cited as the Wages Protection and Contractors' Liens Act Repeal Act 1987.
- (2) This Act shall come into force on 1 July 1988.

2 Repeal of Act

- (1) The Wages Protection and Contractors' Liens Act 1939 is hereby repealed.

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Ministry of Justice.

- (2) The following enactments are hereby consequentially repealed:
 - (a) *Amendment(s) incorporated in the Act(s)*:
 - (b) the Wages Protection and Contractors' Liens Amendment Act 1952:
 - (c) the Wages Protection and Contractors' Liens Amendment Act 1958:
 - (d) the Wages Protection and Contractors' Liens Amendment Act 1961:
 - (e) *Amendment(s) incorporated in the Act(s)*.
- (3) Notwithstanding anything in the preceding provisions of this section, the Wages Protection and Contractors' Liens Act 1939, and the enactments specified in subsection (2), shall continue to apply as if this section had not been passed in respect of the following matters:
 - (a) any notice of lien given under section 28 of that Act and still extant immediately before the commencement of this section:
 - (b) any notice of charge given under section 29 of the principal Act and still extant immediately before the commencement of this section:
 - (c) any action commenced under section 34 of that Act and not finally determined before the commencement of this section:
 - (d) any lien registered against the title to any land under section 41 of that Act.

3 Enforcement of lien on chattel

- (1) Where a person has done work upon a chattel in that person's possession so as thereby to be entitled at law to a lien on the chattel for any amount, and the amount to which that person is entitled remains unpaid for not less than 2 months after it ought to have been paid, that person may, in addition to all other remedies provided by law, cause the chattel to be sold by auction.
- (2) Not less than 1 week's notice of the sale shall be given to the owner of the chattel in accordance with subsection (4) if the owner's address is known to the person entitled to the lien, and also (whether the owner's address is known or not) by advertisement in a newspaper published in the locality in which the work was done, or if there is no newspaper published in that locality, in a newspaper circulating in the neighbourhood, stating in each case the name of the person entitled to the lien, the amount of the debt, a description of the chattel, the time and place of sale, and the name of the auctioneer. The advertisement need not specify the name of the owner.
- (3) The proceeds of the sale shall be applied, first, in payment of the costs of advertising and sale and, secondly, in payment of the amount due under the lien, and any surplus shall, as soon as may be after the completion of the sale, be paid to the Registrar of the office of the District Court nearest to the place of sale, to be held by the Registrar for the benefit of the person entitled to it.
- (4) The notice of sale required by subsection (2) to be given to the owner of the chattel may be given by causing it to be delivered to that person, or to be left at

that person's usual or last known place of abode or business or at any address specified by that person for that purpose, or to be posted in a letter addressed to that person at that place of abode or business or address.

- (5) If any such notice is sent to any person by registered letter, it shall be deemed to have been delivered to that person when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.

Section 3(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Reprints notes

1 *General*

This is a reprint of the Wages Protection and Contractors' Liens Act Repeal Act 1987 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

District Court Act 2016 (2016 No 49): section 261