



Australian Capital Territory

Judgment Creditors Remedies Act 1901 (repealed)

A1901-8

Republication No 3

Effective: 10 January 2005

Republication date: 10 January 2005

As repealed by A2004-60 s 4
(republication for amendments and repeal
by A2004-60)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Judgment Creditors Remedies Act 1901* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 10 January 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Judgment Creditors Remedies Act 1901 (repealed)

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Australian Capital Territory

Judgment Creditors Remedies Act 1901 (repealed)

An Act to consolidate the enactments relating to the remedies of judgment creditors

Part 1 Preliminary

Section 1

Part 1 Preliminary

1 Name of Act

This Act is the *Judgment Creditors Remedies Act 1901*.

Part 4 Execution against the person

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a NSW Act—the *Judgment Creditors Remedies Act 1901* No 8 (NSW).

Endnotes

3 Legislation history

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *ACT Self-Government (Consequential Provisions) Act 1988 No 109* (Cwlth), s 12) converted some NSW Acts in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 1 July 1990.

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

The Act was renamed as the *Judgment Creditors Remedies Act 1901 (repealed)* by the *Statute Law Amendment Act 2001 (No 2)* No 56 (see amdt 3.422).

NSW legislation

Judgment Creditors Remedies Act 1901 No 8

assented to 3 October 1901
commenced 3 October 1901

as amended by

Commonwealth legislation

New South Wales Acts Application Ordinance 1984 No 41

notified 10 August 1984
commenced 10 August 1984

Legislation after becoming Territory enactment

Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1

notified 1 December 1997 (Gaz 1997 No S380)
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch 1 commenced 1 June 1998 (s 2 (2))

Statute Law Amendment Act 2001 (No 2) No 56 pt 3.27

notified 5 September 2001 (Gaz 2001 No S65)
 s 1, s 2 commenced 5 September 2001 (IA s 10B)
 pt 3.27 commenced 5 September 2001 (s 2 (1))

**Court Procedures (Consequential Amendments) Act 2004 A2004-60
sch 1 pt 1.31**

notified LR 2 September 2004
 s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
 sch 1 pt 1.31 commenced 10 January 2005 (s 2 and see Court
 Procedures Act 2004 A2004-59, s 2 and CN2004-29)

as repealed by

**Court Procedures (Consequential Amendments) Act 2004 A2004-60
s 4**

notified LR 2 September 2004
 s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
 s 4 commenced 10 January 2005 (s 2 and see Court Procedures
 Act 2004 A2004-59, s 2 and CN2004-29)

4 Amendment history

The *New South Wales Acts Application Act 1984*, sch 2, pt 20 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. (In the amended form, s 2, pt 2 (s 3), pt 3 (ss 4-18), s 25, pt 5 (ss 27-33) and the schedule were omitted). This endnote, therefore, only details amendments made after the enactment of the 1984 Act.

Name of Act

s 1 sub 2001 No 56 amdt 3.422

Limitation of arrest under ca. sa.

s 19 am A2004-60 amdt 1.157
 reloc to Court Procedures Act 2004 as s 87 by A2004-60
 amdt 1.159

Fraudulent concealment or intended departure

s 20 reloc to Court Procedures Act 2004 as s 88 by A2004-60
 amdt 1.159

Exception for certain actions

s 21 sub A2004-60 amdt 1.158
 reloc to Court Procedures Act 2004 as s 89 by A2004-60
 amdt 1.159

Endnotes

5 Earlier replications

Ca. sa. to fix bail

s 22 reloc to Court Procedures Act 2004 as s 90 by A2004-60
 amdt 1.159

Liability for escape

s 23 reloc to Court Procedures Act 2004 as s 91 by A2004-60
 amdt 1.159

Discharge of judgment debtor on authority of lawyer

s 24 am 1997 No 96 sch 1
 reloc to Court Procedures Act 2004 as s 92 by A2004-60
 amdt 1.159

Ca. sa. may be executed on Sunday

s 26 reloc to Court Procedures Act 2004 as s 93 by A2004-60
 amdt 1.159

5 Earlier replications

Some earlier replications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised replications have also been published in printed format. These replications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Replication No	Amendments to	Replication date
1	ord 1984 No 41	31 August 1992
2	A2001-56	31 July 2002

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