

Attachment of Sugar-Cane Debts Act [Cap 31]

LAWS OF FIJI

CHAPTER 31

ATTACHMENT OF SUGAR-CANE DEBTS

Ordinance No. 18 of 1940

AN ACT TO AMEND THE LAW RELATING TO THE ATTACHMENT OF DEBTS ARISING FROM THE SALE OF SUGAR-CANE TO SUGAR MANUFACTURERS

[30th May, 1940.]

Short title

1. This Act may be cited as the [Attachment of Sugar-cane Debts Act](#).

Interpretation

2. In this Act, unless the context otherwise requires-

"continuous cutting" means the cutting of sugar-cane whether interrupted or not by a period or periods of not more than seven days;

"debt" means a debt arising from the sale of sugar-cane grown in Fiji to sugar manufacturers;

"writ" means an order nisi or absolute of attachment of debt, and a writ of attachment of debt, issuing out of any court.

When debts deemed to arise

3. All debts shall be deemed, for the purpose of attachment of debt and for no other purpose, to arise on the first day of a continuous cutting.

Certain writs to rank equally

4. All writs served on the garnishee of a judgment debtor, during continuous cutting or within seven days of the last day of continuous cutting, shall be deemed to have been served at the same time, and shall rank equally for payment, and shall be satisfied rateably in proportion to the amounts of the claims of the respective judgment creditors.

Garnishee may render a certificate

5. Any garnishee served with one or more writs shall, unless the court otherwise orders, instead of attending personally at the hearing of the return to the writ or writs, deliver to the court a certificate in duplicate in Form I in the Schedule, and all writs enumerated therein, and shall pay to the court, so far as the debt shall extend, the sum of money charged by the writ or writs. The court shall by its proper officer execute the receipt at the foot of the said Form and deliver one copy to the garnishee.

Jurisdiction where writs issued by more than one court

6.-(1) Where writs against the same debt issue from different courts the garnishee shall treat all writs purporting to charge the same debt as if they had issued from the competent court.

(2) Where one or more of such writs issue from the Supreme Court, that court shall be the competent court for the purpose of this section; in any other case the magistrates' court within the jurisdiction of which the cane was grown shall be the competent court.

(3) Upon the return to the writ the competent court may order that the share of the garnishor be paid to him at the competent court or that it be transmitted to the court which issued the writ there to be paid to the garnishor. In any event the competent court shall certify to the issuing court any order made upon the return to the writ and a record thereof shall be entered in the proper book of such court. Such certificate shall be in Form 2 in the Schedule.

Appeals

7. Any party dissatisfied with any order made by a magistrates' court under this Act may, whatever the amount involved in such order, appeal to the Supreme Court in the manner provided by the Magistrates' Courts Act.

(Cap. 14)

SCHEDULE
(Sections 5 and 6)

FORM I
GARNISHEE'S CERTIFICATE

To the Chief Registrar of the Supreme Court, Suva, or the Magistrates' Court at

SCHEDULE OF WRITS

Name of Court	Writ No.	Amount of Writ \$ c	Garnishor	Judgment Debtor	Time of Service
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The undersigned hereby certifies that has been served with the writs described in the above schedule and that there is a debt of \$ owing by the undersigned to the said judgment debtor, of and that this debt arose on theday of, 19 .

Signature of the Garnishee or the representative of the Garnishee.

Received from Garnishee, the sum of dollars cents/

Dated at this day of , 19 .

Signature of Proper Officer

**FORM 2
CERTIFICATE OF DISPOSAL**

To the Chief Registrar of the Supreme Court, Suva, or the Magistrates' Court at

Please take notice that the return to writ No. , wherein was Garnishor and debtor was heard by me on the day of , 19 , and order made thereon as follows:-

Writ dissolved as there were no funds; order made for payment by this Court to Garnishor of \$; order made for transmission of \$ to you for payment to the Garnishor. Voucher herewith for this amount.

Dated at this day of , 19 .

(Chief Registrar of the Supreme Court or Magistrate)

Controlled by Ministry of the Attorney-General
