

Chapter 3

AN ACT TO AMEND THE EXEMPTIONS ACT

(Assented to March 14, 2006)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

1. The *Exemptions Act* is amended by this Act.

2. (1) Subsection 2(1) is amended by

(a) repealing paragraph (a) and substituting the following:

(a) household furnishings, utensils, equipment and appliances needed by the debtor and the family of the debtor to maintain a functional household, but not including household furnishings, utensils, equipment and appliances purchased in order to defeat the claim of a creditor;

(b) repealing paragraphs (d) and (e) and substituting the following:

(d) tools, instruments and other chattels ordinarily used by the debtor in his or her business, profession or calling;

(e) tools, instruments, motor vehicles, all-terrain vehicles, snowmobiles, watercraft and other chattels ordinarily used and needed by the debtor in hunting or fishing for food;

(f) an interest in a house, condominium or equivalent facility that is used by the debtor as his or her principal residence, to the extent of the interest, not exceeding the prescribed amount;

(g) aids and devices that are reasonably necessary for the health or mobility of the debtor or a member of the family of the debtor.

(2) Subsection 2(2) is repealed and the following is substituted:

(2) The following money, including any property or income acquired through the investment of such money, is exempt from seizure under a writ of execution and attachment by garnishment:

(a) any money paid or payable to a debtor pursuant to a legal entitlement to compensation for any mental or physical harm suffered by the debtor;

(b) any money paid or payable to an eligible Common Experience Payment recipient or eligible Independent Assessment Process claimant under the Agreement in Principle, dated November 20, 2005, between the Government of Canada, the Assembly of First Nations, the General Synod of the Anglican Church of Canada, the

Presbyterian Church in Canada, the United Church of Canada, Roman Catholic Entities, and Plaintiffs as represented by the National Consortium, Merchant Law Group, and other legal counsel.

3. Sections 4 and 5 are repealed.

4. Subsection 6(2) is repealed and the following is substituted:

Exception

(2) Subsection (1) does not apply to any of the property or chattels referred to in paragraphs 2(1)(a), (b), (c) or (g).

5. (1) Subsections 9(1) and (2) are repealed and the following is substituted:

Exemption from garnishment

9. (1) Where wages or salary is owed to a debtor, the debtor's wages or salary is exempt from attachment by garnishment to the extent of the amount calculated in accordance with the regulations.

(2) The English version of paragraph 9(3)(a) is amended by striking out "of".

(3) Paragraph 9(3)(b) is amended by striking out "children who are minors" and substituting "dependant".

(4) Subsection 9(4) is amended by striking out "Supreme Court" and substituting "Nunavut Court of Justice".

(5) The French version of paragraph 9(4) is amended by striking out "dépendant" and substituting "personne à charge".

6. The following provisions are amended by striking out "the Territories" wherever it appears and substituting "Nunavut":

- (a) paragraph 3(a);**
- (b) paragraph 9(3)(b);**
- (c) subsection 9(5).**

7. The following is added after section 9:

Special circumstances

10. The Nunavut Court of Justice may, on application, increase an exemption under this Act to take into account the special circumstances of the debtor or the family of the debtor.

Regulations

11. The Commissioner, on the recommendation of the Minister, may make regulations

- (a) prescribing any matter or thing that by this Act may or is to be prescribed;
- (b) respecting the calculation of wages or salary exempt from attachment by garnishment; and
- (c) respecting any other matter the Commissioner, on the recommendation of the Minister, considers necessary to carry out the purposes and provisions of this Act.

COMING INTO FORCE

8. This Act or any portion of this Act comes into force on a day or days to be fixed by order of the Commissioner.