

Chapter 8

AN ACT TO AMEND THE CREDITORS RELIEF ACT AND THE PUBLIC SERVICE GARNISHEE ACT

(Assented to May 31, 2024)

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

PART I

CREDITORS RELIEF ACT

1. **This Part amends the *Creditors Relief Act*.**
2. **Subsection 6(2) is repealed and replaced with the following:**

Garnishee summons binds debts

- (2) A garnishee summons served on the garnishee binds, from the time of service,
- (a) each debt, other than wages or salary, due or accruing due from the garnishee to the debtor, or so much of the debt as is necessary to satisfy the amounts set out in the summons together with the costs payable in respect of the summons under the Rules of the Nunavut Court of Justice; and
 - (b) all wages or salary of the debtor that, in the course of an employment relationship that exists between the garnishee and the debtor at the time of service, are payable or that become payable during the time the summons is in effect.

Duration of garnishment of wages and salary

(2.1) For the purpose of garnishment of wages or salary under paragraph (2)(b), a garnishee summons remains in effect until the earliest of the following occurs:

- (a) the garnishee pays into court
 - (i) all amounts shown in the garnishee summons, and
 - (ii) the costs payable in respect of the summons under the Rules of the Nunavut Court of Justice;
- (b) the garnishee summons is discontinued;
- (c) the debtor ceases to be employed by the garnishee and notice is sent by the garnishee to the Clerk and the garnisheeing creditor in accordance with subsection (2.3);
- (d) the garnishee summons expires.

Expiry of garnishee summons

(2.2) For the purpose of subsection (2.1), a garnishee summons expires one year after the date the garnishee summons was issued.

Requirement to give notice if debtor ceases to be employed

(2.3) If wages or salary are garnished under paragraph (2)(b) and the debtor ceases to be employed by the garnishee while the garnishee summons remains in effect, the garnishee must,

- (a) send written notice to the Clerk; and
- (b) send a copy of the notice to the garnisheeing creditor.

3. The following provisions are amended by replacing "Supreme Court" with "Nunavut Court of Justice" wherever it appears:

- (a) paragraph 7(c);
- (b) paragraph 7(e);
- (c) paragraph 9(a);
- (d) paragraph 9(b);
- (e) subsection 22(4).

PART II

PUBLIC SERVICE GARNISHEE ACT

4. This Part amends the *Public Service Garnishee Act*.

5. Section 2 is amended as follows:

Attachment of wages or salary

2. A person who obtains a judgment or order for the payment or recovery of money against a person employed in the public service may, for the purpose of enforcing the judgment or order, attach the wages or salary of due or accruing due to the employee.

6. Section 3 is repealed and replaced with the following:

Application of *Creditors Relief Act*

3. (1) Except as otherwise provided by this Act, section 6 of the *Creditors Relief Act* applies to the attachment of wages or salary under this Act.

Application of Rules of the Nunavut Court of Justice

(2) Except as otherwise provided by this Act or by section 6 of the *Creditors Relief Act*, the provisions respecting garnishment contained in the Rules of the Nunavut Court of Justice apply to the attachment of wages or salary under this Act.

Exception – payment order

(3) This section does not apply in respect of a payment order issued by the Family Support Manager under the *Family Support Orders Enforcement Act*.

7. Section 5 is repealed.

PART III

FINAL PROVISIONS

Transitional

8. The *Creditors Relief Act* and the *Public Service Garnishee Act* as they read before the coming into force of this Act continue to apply in respect of a garnishee summons issued before this Act comes into force.

Coming into force

9. This Act comes into force three months after the day on which it receives Assent.