

1929.

Legislative Council.

Defamation (Amendment) Bill, 1929.

EXPLANATORY MEMORANDUM.

THE Bill proposes to repeal section thirty-two of the Defamation Act, 1912, and to make a consequential amendment in section twenty-five of the Judgment Creditors' Remedies Act, 1901.

Under section thirty-two of the Defamation Act, 1912, a judgment debtor who is in custody under a writ of *ca. sa.* issued upon a judgment in an action for defamation is not entitled to be discharged until he has been in custody for twelve months, notwithstanding that he has become bankrupt.

If the section is repealed, it will be in the discretion of the Judge exercising jurisdiction in bankruptcy to determine whether the debtor's discharge should be unconditional or not.

The references in the section to certain criminal proceedings are unnecessary.

Legislative Council.

No. , 1929.

A BILL

To amend the law with respect to the discharge from custody of judgment debtors who become bankrupt; to amend the Defamation Act, 1912, the Judgment Creditors' Remedies Act, 1901, and certain other Acts; and for purposes connected therewith.

[MR. BOYCE ;—10 *December*, 1929.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of

5 the same, as follows :—

1. This Act may be cited as the "Defamation Short title. (Amendment) Act, 1929."

85045

C 59—

2.

Defamation (Amendment).

Amendment of
Act No. 32,
1912, s. 32.

2. The Defamation Act, 1912, is amended by omitting section thirty-two.

Amendment
of Act No. 8,
1901, s. 25.

3. The Judgment Creditors' Remedies Act, 1901, is amended by omitting from section twenty-five the brackets and words "(not being a judgment obtained under the Act Eleventh Victoria number thirteen)." 5

Sydney: Alfred James Kent, I.S.O., Government Printer—1920.

[4d.]