

CONSOLIDATION OF PUBLIC SERVICE GARNISHEE ACT
R.S.N.W.T. 1988,c.P-17

(Current to: May 6, 2014)

AS AMENDED BY:

S.Nu. 2010,c.4,s.30

s.30 in force March 23, 2010

S.Nu. 2011,c.11,s.1

s.1 in force March 10, 2011

S.Nu. 2012,c.16,s.67

s.67 in force April 15, 2013: SI-002-2013

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the *Revised Statutes of the Northwest Territories, 1988* and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or after April 1, 1999).

A copy of a statute of Nunavut can be obtained from the Territorial Printer at the address below. The Annual Volumes of the Statutes of Nunavut and this consolidation are also available online at <http://www.justice.gov.nu.ca> but are not official statements of the law.

Any certified Bills not yet included in the Annual Volumes of the Statutes of Nunavut can be obtained through the Office of the Clerk of the Legislative Assembly.

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GLOSSARY OF TERMS USED IN CONSOLIDATIONS

Miscellaneous

- c. means "chapter".
- CIF means "comes into force".
- NIF means "not in force".
- s. means "section" or "sections", "subsection" or "subsections", "paragraph" or "paragraphs".
- Sch. means "schedule".
- SI-005-98 means the instrument registered as SI-005-98 in 1998. (*Note: This is a Northwest Territories statutory instrument if it is made before April 1, 1999, and a Nunavut statutory instrument if it is made on or after April 1, 1999 and before January 1, 2000.*)
- SI-012-2003 means the instrument registered as SI-012-2003 in 2003. (*Note: This is a Nunavut statutory instrument made on or after January 1, 2000.*)

Citation of Acts

- R.S.N.W.T. 1988,c.D-22 means Chapter D-22 of the *Revised Statutes of the Northwest Territories, 1988*.
- R.S.N.W.T. 1988,c.10(Supp.) means Chapter 10 of the Supplement to the *Revised Statutes of the Northwest Territories, 1988*. (*Note: The Supplement is in three volumes.*)
- S.N.W.T. 1996,c.26 means Chapter 26 of the 1996 Annual Volume of the Statutes of the Northwest Territories.
- S.Nu. 2002,c.14 means Chapter 14 of the 2002 Annual Volume of the Statutes of Nunavut.

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PUBLIC SERVICE GARNISHEE ACT

Definition of "public service"

1. In this Act, "public service" means the public service of Nunavut and includes the employees of any board, commission or other body whose wages or salary is paid out of the Consolidated Revenue Fund. S.Nu. 2010,c.4,s.30(2).

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 due or accruing due to the employee.

Application of Rules of the Nunavut Court of Justice

3. Except as otherwise provided by this 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. S.Nu. 2010,c.4,s.30(2).

Payment order

3.1. A payment order issued by the Family Support Manager under the *Family Support Orders Enforcement Act* is a garnishee summons for the purposes of this Act and has effect as a garnishee summons issued pursuant to the Rules of the Nunavut Court of Justice. S.Nu. 2012,c.16,s.67(2).

Service of summons

4. A garnishee summons in respect of a judgment debtor who is employed in the public service shall be served on the Comptroller General.

Accrual of wages or salary

5. (1) For the purposes of this Act, wages or salary are deemed to accrue due from day to day.

Payment of wages and salary

(2) Despite subsection (1), the Comptroller General is not compelled to pay any wages or salary otherwise than in accordance with any Act, regulation or rule relating to the payment of any class of employees in the public service. S.Nu. 2010,c.4,s.30(2).

Exemption from attachment

6. The wages or salary of an employee of the public service are exempt from attachment under this Act to the extent of that portion of the wages or salary that is exempt from attachment by garnishment under section 9 of the *Exemptions Act*, including any amounts required to be deducted by the Comptroller General by or under an Act of Canada or an Act of Nunavut. S.Nu. 2010,c.4,s.30(2).

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