

Mr. Pirani.

TRUCK ACT 1891 AMENDMENT.

ANALYSIS.

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3. Judgment according to equity and good conscience in certain cases of contravention.

A BILL INTITULED

AN ACT to amend "The Truck Act, 1891."

Title.

WHEREAS under special circumstances it may be inequitable in particular cases that the provisions of "The Truck Act, 1891" (herein-
5 after called "the principal Act") should be applied, and it is expedient to provide for the determination of such particular cases according to equity and good conscience:

Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
10 as follows:—

1. The Short Title of this Act is "The Truck Act 1891
Amendment Act, 1896."

Short Title.

2. In this Act,—

Interpretation.

15 "Proceeding" means any action, suit, or process, civil or criminal, in which the legality or validity of any contract as defined by the principal Act, or of any payment made by or to any employer or workman, or of any matter or thing done in contravention of the provisions of the principal Act, is brought in question directly or
20 indirectly, and includes a proceeding to recover penalties for the breach of any of the provisions of the principal Act:

"The Court" means any Court in which a proceeding is brought or taken.

25 3. If the Court hearing or determining the matter of any proceeding shall be of opinion,—

Judgment according to equity and good conscience in certain cases of contravention.

(a.) That the employer has not acted knowingly in wilful contravention of the provisions of the principal Act;

(b.) That the matter in respect of which any of the provisions of the principal Act has been contravened was a matter of mutual agreement between the employer and the workman, without coercion of the employer, and for the benefit or advantage of the workman;

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(c.) That under the circumstances of the particular proceeding it would be contrary to equity and good conscience that the provisions of the principal Act should be applied,—
the Court may, if it think fit, give judgment in such proceeding according to equity and good conscience, without regard to the provisions of the principal Act. 5