

SOUTH AUSTRALIA

ENFORCEMENT OF JUDGMENTS ACT, 1978

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being

Enforcement of Judgments Act, 1978, No. 84 of 1978
[Assented to 30 November 1978]¹

¹ Act not in operation.

An Act to make provision for the execution and enforcement of judgments of the Supreme Court and of local courts; to amend the Companies Act, 1962-1974, the Debtors Act, 1936 and the Mercantile Law Act, 1936; and for other purposes.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Enforcement of Judgments Act, 1978*.

Commencement

2. This Act shall come into operation on a day to be fixed by proclamation.

Arrangement

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—WRITS OF EXECUTION

DIVISION I—NATURE OF WRITS OF EXECUTION

DIVISION II—WRIT OF SALE

DIVISION III—WRIT OF POSSESSION

DIVISION IV—WRIT OF ATTACHMENT

DIVISION V—PROVISIONS GENERALLY APPLICABLE TO THE ISSUE
OF WRITS OF EXECUTION

DIVISION VI—CURRENCY AND RENEWAL OF WRIT

DIVISION VII—STAY AND SETTING ASIDE OF EXECUTION

DIVISION VIII—RETURN OF WRIT

DIVISION IX—COSTS OF EXECUTION

PART III—EXAMINATION OF JUDGMENT DEBTORS

PART IV—GARNISHEE

PART V—MISCELLANEOUS.

Interpretation

4. In this Act, unless the contrary intention appears—

"banking account" includes an account maintained with a building society or credit union:

"court" means—

(a) the Supreme Court;

or

3.

(b) any local court:

and the expression "the court" in relation to a writ means the court to which an application for the issue of the writ has been made, or out of which the writ has been issued (as the case may require):

"debt counsellor" means a debt counsellor appointed under the *Debts Repayment Act, 1978*:

"judgment" means any judgment or order of a court and includes any judgment or order that is registered in a court for the purpose of enforcement, or that is, in pursuance of any law, enforceable as a judgment of a court:

"judgment creditor" includes any person entitled to the benefit of a judgment for the payment of a sum of money:

"judgment debtor" includes any person liable to satisfy a judgment for the payment of a sum of money:

"judgment for the payment of a sum of money" means a judgment under which a sum of money is recoverable whether the judgment relates wholly to the payment of that sum or relates to other matters as well:

"land" includes any estate or interest in land:

"prescribed judgment" means a judgment for the payment of a sum of money (not being a debt incurred in the course of a trade or business) not exceeding ten thousand dollars or such other amount (not exceeding fifteen thousand dollars) as may be prescribed, but does not include any such judgment under which the judgment debtor, or any one of the judgment debtors, is a body corporate:

"security" means any cheque, bill of exchange, promissory note, bond, chose in action, or security for the payment of money:

"the sheriff" includes any sheriff's officer appointed under the *Sheriff's Act, 1978*:

"writ of execution" means—

(a) a writ of sale;

(b) a writ of possession;

or

(c) a writ of attachment.

Transitional provision

5. (1) Subject to this section—

(a) this Act applies in respect of any judgment whether given before or after the commencement of this Act;

4.

and

(b) no writ or warrant of execution shall be issued by a court except in pursuance of this Act.

(2) Any writ or warrant of execution issued before the commencement of this Act shall be executed in accordance with the law of this State as in force before the commencement of this Act.

(3) Any proceedings relating to the enforcement of a judgment and commenced before the commencement of this Act, may be continued and completed in accordance with the law of this State as in force before the commencement of this Act.

(4) This Act does not affect the enforcement of a judgment or order *in rem* given or made in the exercise of the jurisdiction of the Supreme Court in admiralty.

Crown to be bound

6. This Act binds the Crown.

PART II

WRITS OF EXECUTION

DIVISION I—NATURE OF WRITS OF EXECUTION

Writs of execution

7. (1) Judgments may be enforced by any one or more of the following writs:—

(a) a writ of sale;

(b) a writ of possession;

or

(c) a writ of attachment.

(2) The writs referred to in subsection (1) of this section shall be in the forms prescribed by regulation.

DIVISION II—WRIT OF SALE

Issue of writ of sale

8. (1) Subject to this Part, where the court has given a judgment for the payment of money the court shall, upon the application of the judgment creditor, issue a writ of sale for the enforcement of that judgment.

(2) A writ of sale shall not be issued for the enforcement of a prescribed judgment except in pursuance of Part III of this Act.

Writ of sale

9. (1) Subject to this Part, and the conditions (if any) of the writ, a writ of sale shall authorize the sheriff to seize and sell real and personal property of the person against whom it is issued sufficient to satisfy the writ.

(2) Subject to subsection (3) of this section, where a writ of sale is issued against a natural person, it does not authorize the seizure or sale of—

(a) his personal clothing, or the clothing of members of his family;

(b) his furniture and household effects that are reasonably necessary for the accommodation of himself and his family;

(c) his tools and implements of trade, his professional instruments, or reference books;

or

(d) any property exempted from execution by the court.

6.

(3) Where the court is of the opinion that there are special reasons justifying the seizure and sale of property of the kind referred to in paragraph (a), (b) or (c) of subsection (2) of this section, the court may, by endorsement on the writ, authorize the seizure and sale of any such property described or referred to in the endorsement.

(4) Where the court is of the opinion that the seizure and sale of certain property would cause extreme hardship to the judgment debtor, the court may exempt that property from execution.

(5) Where bank-notes or other moneys are seized in pursuance of a writ of sale, the sheriff shall, unless they have a value greater than their face value, hand them over to the judgment creditor in full or partial satisfaction of the judgment.

(6) Where securities are seized in pursuance of a writ of sale, the sheriff may, if the time for payment thereof has arrived, take action in his own name to secure payment from the persons liable upon the securities and shall pay any moneys so obtained to the judgment creditor in full or partial satisfaction of the judgment.

(7) The sheriff shall, as soon as reasonably practicable after seizure of personal property in pursuance of a writ of sale—

(a) cause it to be removed to some appropriate place for the purpose of sale;

or

(b) place it in the care of some appropriate person until the date of sale.

Sales of chattels and land under writ of sale

10. (1) A sale of real or personal property in pursuance of a writ of sale shall be held at such place as the sheriff considers most advantageous.

(2) It is not necessary for any seizure of land to be made before sale of the land in pursuance of a writ of sale.

(3) Subject to subsection (4) of this section, before real or personal property is sold in pursuance of a writ of sale, notice of the intended sale must be given at least twenty-one days before the date of the intended sale—

(a) by instrument in writing served upon the judgment debtor;

and

(b) by advertisement in a newspaper circulating generally throughout the State,

and the sheriff may give such other notice of an intended sale in pursuance of the writ as he considers desirable.

(4) Where perishable goods are seized in pursuance of a writ of sale, the sheriff shall give such notice of the intended sale of the goods as may be reasonable in the circumstances.

(5) All sales under a writ of sale shall be by auction unless the court, by endorsement on the writ, authorizes the sale of property in some other manner.

7.

(6) In the event of the sheriff being unable to sell real or personal property in pursuance of a writ of sale for what he considers a reasonable price, he may, after giving further notice in accordance with this section, put it up for sale again.

(7) If both real and personal property belonging to the same person is taken in execution under the same writ of sale, the sheriff shall, unless the court otherwise directs, cause the personal property to be sold first, and if the proceeds are insufficient to satisfy the execution, he shall then sell the real property.

(8) Where separate parcels of land are to be sold in pursuance of a writ of sale, the sheriff shall, if so required by the court prior to the date of the sale, offer those parcels for sale in a specified order and if before sale of all the land a sufficient sum is realized to satisfy the execution, any remaining parcels shall be withdrawn from sale.

(9) The sheriff is, upon sale of land in pursuance of a writ of sale, empowered and required to execute a proper instrument of conveyance to the purchaser.

(10) The purchaser of property sold in pursuance of a writ of sale acquires a good title to the property subject only to interests—

(a) that have been registered;

or

(b) of which public notice has been given, pursuant to statute.

(11) Where before the date of sale of any real or personal property in pursuance of a writ of sale a person by notice in writing served upon the sheriff, the judgment creditor and the judgment debtor claims to have an unregistered interest in the property, and—

(a) the claim is not disputed by the judgment creditor or the judgment debtor;

or

(b) the court out of which the writ was issued has directed the sheriff to recognize the validity of the claim,

the sheriff shall pay to that person, out of the proceeds of the sale of that property, a sum sufficient to satisfy that claim.

DIVISION III—WRIT OF POSSESSION

Issue of writ

11. Where the court has given a judgment for the delivery up of real or personal property in favour of any person, the court shall, upon the application of that person, issue a writ of possession for the enforcement of that judgment.

Effect of writ

12. (1) A writ of possession shall authorize the sheriff to deliver to the party in whose favour the writ was issued possession of any real or personal property specified in the writ, and for that purpose—

(a) where the writ relates to land—to eject any person from the land;

or

(b) where the writ relates to personal property—to enter upon land and to seize and take possession of that property,

using such force as may be reasonably necessary in the circumstances.

(2) Where a person against whom a writ of possession has been enforced resumes possession of any land or other property—

(a) a writ of attachment may, by leave of the court, be issued against that person;

or

(b) the writ of possession may, by leave of the court, be re-issued.

DIVISION IV—WRIT OF ATTACHMENT

Application for writ of attachment

13. (1) Subject to subsection (2) of this section, where by any judgment of the court, a party is ordered to do, or to refrain from doing, any act and fails to obey the judgment, the court may, on the application of the party entitled to the benefit of the judgment, issue a writ of attachment.

(2) A writ of attachment shall not be issued in respect of default in the payment of a sum of money except as authorized by this Act.

Effect of writ

14. A writ of attachment shall empower and require the sheriff to arrest any person named in the writ and to bring that person before the court as soon as reasonably practicable, and to keep him in the meantime in safe custody.

DIVISION V—PROVISIONS GENERALLY APPLICABLE TO THE ISSUE OF WRITS OF EXECUTION

Endorsements on writ

15. (1) Every writ shall bear an endorsement showing—

(a) the date on which the writ was issued;

and

(b) the date and time at which the application, on the basis of which the writ was issued, was lodged.

(2) Where successive writs are issued against the property of the same person, the interests of those in favour of whom the writs were issued in the proceeds of the execution shall, unless the court orders otherwise, rank in order of priority according to the time at which applications for the issue of the writs were made.

Judgment subject to condition

16. Where by any judgment of a court a party is entitled to relief subject to, or upon the fulfilment of, any condition or contingency, the party so entitled must satisfy the court by affidavit, or by such other evidence as the court may require, that the condition has been performed or the contingency has happened before any writ of execution is issued.

Execution of judgment against partners

17. Where a judgment is against partners sued in the name of the firm, execution may issue in the following manner:—

(a) against any property of the partners as such;

or

(b) against the property of any person who—

(i) has admitted on the pleadings that he is a partner;

or

(ii) has been adjudged to be a partner.

Leave of court required for issue of writ of execution in certain cases

18. (1) Where an application for a writ of execution is made more than six years after the date of judgment, the writ shall not be issued except by leave of the court.

(2) A writ of execution may be issued, by leave of the court, in the name of a person who was not a party to the proceedings in which the judgment was given, upon proof that that person is entitled to the benefit of the judgment.

Determination of question as to liability to execution

19. If the party who has obtained judgment claims to be entitled to execution against any person whose liability to execution is not apparent on the face of the judgment, execution shall, except as otherwise provided in this Division, issue by leave of the court and the court may give such leave if the liability is not disputed, or, if the liability is disputed, may order that the liability of that person be tried and determined.

DIVISION VI—CURRENCY AND RENEWAL OF WRIT

Currency and renewal of writ

20. (1) A writ of execution shall, unless renewed in accordance with this section, expire upon the expiration of one year from the date of issue.

(2) Where execution has commenced before the expiry of a writ, the writ remains in force for the purpose of—

(a) any sale of property of which notice has been given before the expiry of the writ;

or

(b) for the purpose of completing any other proceedings commenced upon or in relation to the writ before the date of expiry.

(3) The expiry of a writ of execution does not prevent the issue of a further writ upon the basis of a fresh application.

(4) A writ of execution may at any time before its expiration be renewed for a period of one year from the date of renewal, and so on from time to time during the currency of the writ.

(5) Upon renewal of a writ of execution the date of renewal shall be endorsed on the writ.

DIVISION VII—STAY AND SETTING ASIDE OF EXECUTION

Stay of execution

21. Any party against whom a judgment has been given may apply to the court for a stay of execution, and the court may, if satisfied that there is proper cause for granting the stay of execution, grant a stay of execution on such terms as may be just.

Setting aside of writ

22. If a writ of execution is issued—

(a) contrary to an order of the court;

(b) contrary to any undertaking given by the party in whose favour it was issued;

or

(c) otherwise contrary to good faith,

the court may set aside the writ.

DIVISION VIII—RETURN OF WRIT

Return of writ

23. The sheriff shall—

(a) after execution of a writ;

or

11.

- (b) if he does not succeed in executing the writ—after reasonable attempts to execute the writ have been made,

return the writ with a memorandum endorsed thereon stating the manner in which the writ has been executed, or the reason for not executing the writ.

Re-issue of writ

24. Where a writ is returned unexecuted, the writ may be again issued if it appears that there are grounds for believing that the writ can be successfully executed.

DIVISION IX—COSTS OF EXECUTION

Expenses of execution

25. Subject to rules of court, a party in whose favour a writ of execution is issued is entitled to levy from the person against whom it is issued the fees and expenses of and incidental to the issue and execution of the writ.

PART III

EXAMINATION OF JUDGMENT DEBTORS

Orders for periodic and other payments

26. (1) Where the court has given a judgment for the payment of a sum of money, the court may, upon the application of the judgment creditor—

(a) where the judgment debtor is a natural person—

(i) forthwith after pronouncing judgment, examine the judgment debtor as to his income, assets and liabilities;

or

(ii) summons the judgment debtor to appear for the purpose of examination as to his income, assets and liabilities;

or

(b) where the judgment debtor is a body corporate—summons any director or officer of the body corporate to appear for the purpose of examination as to the income, assets and liabilities of the body corporate.

(2) The court may dispense with the examination under this section if—

(a) the judgment debtor is out of the State;

(b) the judgment debtor cannot be found;

or

(c) it is otherwise impracticable or inexpedient to conduct any examination under this section.

(3) Where—

(a) a judgment debtor (not being a judgment debtor who has submitted to the court in pursuance of this Part a proposal, approved by the judgment creditor, for satisfaction of the judgment debt);

or

(b) a director or other officer of a body corporate,

fails to appear in obedience to a summons under this section, the court may, upon the application of the judgment creditor, or of its own motion, issue a writ of attachment against that person.

Order for payment of instalments, etc.

27. (1) The court may, after conducting (or dispensing with) an examination under this Part, order the judgment debtor—

(a) to pay the judgment debt forthwith, or within a period stipulated by the court;

or

(b) to pay such periodic or other instalments towards the satisfaction of the judgment debt as may be stipulated by the court.

(2) In making an order for the payment of instalments against a natural person, the court shall have due regard to—

(a) the necessary living expenses of the judgment debtor and his dependants;

and

(b) any other liabilities of the judgment debtor, so far as they are ascertainable by the court.

(3) The court may, on the application of a judgment creditor or a judgment debtor, rescind, suspend or vary an order under subsection (1) of this section.

(4) Where a judgment debtor who is liable upon a prescribed judgment submits to the court, at least five days before the day appointed for an examination under this Part, a proposal for satisfaction of the judgment debt by periodic or other payments and the proposal—

(a) is endorsed with a certificate of a debt counsellor to the effect that the proposal is, in his opinion, a fair and practicable proposal for the satisfaction of the judgment debt;

and

(b) is endorsed with the approval of the judgment creditor,

the court may, without proceeding to conduct the examination, make an order under subsection (1) of this section in terms of the proposal.

(5) Where, in proceedings under this section in relation to a prescribed judgment, it appears to the court that the judgment debtor submitted to the judgment creditor a reasonable proposal for satisfaction of the judgment debt and that the judgment creditor, having been given a reasonable opportunity to consider the proposal, did not approve the proposal, the court shall if satisfied that the judgment creditor's failure was not, in the circumstances of the case, justified award the costs of the proceedings (including the reasonable costs incurred by the judgment debtor in appearing at the proceedings) against the judgment creditor.

Issue of writ of sale against person liable upon prescribed judgment

28. (1) The court may, after conducting (or dispensing with) an examination under this Part in relation to a judgment debtor (being a judgment debtor who is liable upon a prescribed judgment)—

(a) issue an unconditional writ of sale in respect of the real and personal property of the judgment debtor;

(b) issue a writ of sale subject to conditions—

(i) limiting execution to certain real or personal property of the judgment debtor specified in the writ;

or

(ii) protecting from execution certain real or personal property of the judgment debtor specified in the writ;

or

(c) decline to issue a writ of sale in respect of property of the judgment debtor.

(2) In deciding whether, or in what manner to exercise its powers under subsection (1) of this section, the court shall have regard to the following matters—

(a) the question of whether a writ of sale is the only effective means of obtaining satisfaction of the judgment;

and

(b) the hardship that would result—

(i) to the judgment debtor and his dependants;

or

(ii) to the judgment creditor, according to whether the writ were issued or not, or were issued unconditionally or subject to conditions.

Offence

29. (1) Where a judgment debtor fails to comply with an order for the payment of the judgment debt, or for the payment of instalments, the court may, upon the application of the judgment creditor, issue a writ of attachment against that person.

(2) Where a judgment debtor is brought before the court upon a writ of attachment issued in pursuance of subsection (1) of this section, he shall be examined as to the reasons for his failure to comply with the order.

(3) Where it appears to the court, after the examination of the judgment debtor that he has failed, without proper excuse, to comply with the order, it may commit him to gaol for a period not exceeding forty days.

(4) A judgment debtor shall not be committed to gaol under subsection (3) of this section where an order for garnishment of his salary or wages is for the time being in force.

PART IV

GARNISHEE

Garnishee orders

30. (1) The court may, upon the application of a judgment creditor (which may be made *ex parte*) order that—

(a) any moneys owing or accruing to the judgment debtor from a third person ("the garnishee") not being any pension, allowance or benefit payable under the *Social Services Act 1947* of the Commonwealth, or workmen's compensation;

or

(b) any moneys of the judgment debtor in the hands of a third person (including moneys in a banking account),

be attached to answer the judgment and paid to the judgment creditor.

(2) No order shall be made under subsection (1) of this section in respect of salary or wages owing or accruing to a judgment debtor unless he consents to the making of the order but, once that consent has been given, the extent to which the salary or wages are attached shall, subject to this section, be in the discretion of the court.

(3) In making an order under this section, the court shall have due regard to—

(a) the necessary living expenses of the judgment debtor and his dependants;

and

(b) any other liabilities of the judgment debtor, so far as they are ascertainable by the court.

(4) An order under this section shall bind the moneys in the hands of the garnishee upon notice of the order being given to him in such manner as the court directs but execution shall not issue against the garnishee—

(a) until the expiration of one month from the date on which notice of the order is given under this subsection;

or

(b) where proceedings are instituted under subsection (5) of this section before the expiration of that period of one month—until the determination of those proceedings,

whichever last occurs.

(5) If the garnishee disputes his liability or if a third person claims to have an interest in moneys subject to the order superior to that of the judgment creditor, the court shall determine the matters in issue and may vary or rescind the order under subsection (1) of this section.

(6) An order under this section may authorize the garnishee to retain from the debts, wages or salary attached in his hands a reasonable sum, fixed in the order, to compensate him for the costs incurred by him in complying with the order.

(7) Payment made by, or execution levied upon, the garnishee in pursuance of an order under this section shall be a valid discharge to him as against the judgment debtor to the extent of the amount paid or levied and the amount that he is authorized by the order to retain.

Employee not to be prejudiced in employment by reason of garnishee order

31. (1) Any person who dismisses an employee, or injures him in his employment, or alters his position to his prejudice, by reason of the fact that a garnishee order has been made in relation to the employee shall be guilty of an offence.

Penalty: Five hundred dollars.

(2) Where a person is convicted of an offence under subsection (1) of this section, the court may order the person convicted to reimburse the employee for any wages lost by him, and to reinstate the employee to his former position or a similar position.

PART V

MISCELLANEOUS

Execution of instruments by order of the court

32. (1) Where any person neglects or refuses to comply with a judgment directing him to execute any conveyance, contract, or other document, or to endorse any negotiable instrument, the court may, on such terms and conditions as the court thinks fit, order that the conveyance, contract, or other document be executed or that the negotiable instrument be endorsed by such person as the court nominates for that purpose.

(2) A conveyance, contract, document, or instrument so executed or endorsed shall have effect for all purposes as if it had been executed or endorsed by the person originally directed to execute or endorse it.

Judgments against bodies corporate

33. Where a body corporate wilfully fails to obey a judgment—

(a) a director of the body corporate, or any other officer of the body corporate who is responsible for the management or administration of the affairs of the body corporate, is liable to be attached;

and

(b) the judgment may be enforced, by leave of the court, against any director, or any such officer, of the body corporate.

Charging orders

34. (1) The court may charge any property of a judgment debtor with a judgment debt or any part thereof.

(2) An order may be made under this section on such terms and conditions as the court considers just.

(3) Where the court has made an order under subsection (1) of this section, it may make consequential or ancillary orders—

(a) requiring registration of the charge;

(b) prohibiting or restricting dealings with the property subject to the charge;

(c) providing for the sale, or conversion into money, of the property;

or

(d) relating to any other matters.

Appointment of receiver by way of equitable execution

35. (1) The court may, for the purpose of enforcing a judgment, appoint a receiver by way of equitable execution.

(2) A receiver may be appointed under subsection (1) of this section notwithstanding that all remedies of execution at law have not been exhausted.

(3) Where a receiver is appointed under this section, the court may make consequential or ancillary orders—

(a) conferring on the receiver any powers that may be necessary or expedient for the purposes of the receivership;

(b) providing for accounts to be rendered by the receiver;

or

(c) relating to any other matter.

(4) A receiver appointed under this section has no powers in relation to any pension, allowance or benefit payable under the *Social Services Act 1947* of the Commonwealth, or in relation to workmen's compensation.

Power of court to preserve property intact pending determination of proceedings

36. (1) Where a court is satisfied on the application of a party to proceedings (which may be made *ex parte*)—

(a) that some other party to the proceedings has property situated in the State;

(b) that there is a substantial risk that the property may be—

(i) disposed of;

or

(ii) removed from the State,

by, or at the direction of, that other party;

and

(c) that the disposal or removal of that property would seriously prejudice the enforcement of the judgment that the applicant seeks to recover in the proceedings,

the court may, by order—

(d) prohibit the disposal of that property or its removal from the State;

or

(e) otherwise restrict dealings with that property.

(2) The court may, for proper cause, vary or revoke an order under this section at any time.

Local Court may entertain proceedings under Part III or Part IV in respect of judgment of Supreme Court

37. Proceedings under Part III or Part IV of this Act in relation to a judgment of the Supreme Court may be instituted, heard and determined in a local court.

Non-application of certain Imperial Acts

38. The following Acts of the Imperial Parliament have no force or effect in this State:—

56 Geo. III c. 50

8 Anne c. 14.

Amendment of certain Acts

39. (1) The *Companies Act, 1962-1974*, is amended as shown in the schedule to this Act, and, as so amended, may be cited as the *Companies Act, 1962-1978*.

(2) The *Debtors Act, 1936*, is amended as shown in the schedule to this Act, and, as so amended, may be cited as the *Debtors Act, 1936-1978*.

(3) The *Mercantile Law Act, 1936*, is amended as shown in the schedule to this Act, and, as so amended, may be cited as the *Mercantile Law Act, 1936-1978*.

Proceedings

40. Proceedings in respect of an offence under this Act shall be disposed of summarily.

Rules of Court

41. (1) Rules of court may be made under the provisions of the *Supreme Court Act, 1935-1978*, in respect of the practice and procedure of the court in proceedings under this Act.

(2) Rules of court may be made under the provisions of the *Local and District Criminal Courts Act, 1926-1978*, in respect of the practice and procedure of local courts in proceedings under this Act.

Regulations

42. The Governor may make such regulations as are contemplated by this Act, or as are necessary or expedient for the purposes of this Act.

THE SCHEDULE

Amendment of Certain Acts

(1) The *Companies Act, 1962-1974*, is amended by striking out section 390.

(2) The *Debtors Act, 1936*, is amended—

(a) by striking out paragraphs (c) and (d) of section 3;

and

(b) by striking out paragraph (iii) of the proviso to section 3 and inserting the following paragraph:—

(iii) nothing in this section affects the powers of arrest or imprisonment under the *Enforcement of Judgments Act, 1978*.

(3) The *Mercantile Law Act, 1936*, is amended by striking out section 18.