

Payment into Court Act

CHAPTER 338 OF THE REVISED STATUTES, 1989

as amended by

2004, c. 3, s. 29; 2005, c. 8, ss. 17, 18; 2007, c. 9, s. 33;
2011, c. 8, s. 18; 2013, c. 3, s. 11; 2015, c. 6, s. 41



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**An Act Respecting the Payment
of Money into and out of Court**

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(The table of contents is not part of the statute)

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Short title

1 This Act may be cited as the *Payment into Court Act*. R.S., c. 338, s. 1.

Deposit of moneys paid into court

2 (1) When money is paid into court under an order of the Supreme Court or a county court or under an order of a judge of those courts, or by virtue of any statute, municipal ordinance, resolution or by-law, or otherwise, the prothonotary or clerk of the county court, as the case may be, shall deposit the same, to bear interest, in a chartered bank having an office in the city or town where the office of such prothonotary or clerk of the county court is situate.

(2) Where a prothonotary or clerk makes a deposit under subsection (1), he shall

(a) make it in a trust account and maintain a record of the cause or matter to which the deposit relates; or

(b) make the deposit in a separate account relating to the cause or matter and file a deposit receipt with the documents in the cause or matter. R.S., c. 338, s. 2; 2005, c. 8, s. 17.

Existing moneys in court

3 All moneys in court at the time of the passage of this Act shall forthwith be invested by the prothonotary or clerk of the county court, as the case may be, as in this Act hereinbefore provided. R.S., c. 338, s. 3.

Payment out of court to person entitled

4 When moneys in court which have been paid in as aforesaid are paid out to the person or persons entitled thereto, the bank interest accrued thereon shall also be paid out by such prothonotary or county court clerk to such person or persons, subject, however, to a deduction by such prothonotary or clerk of the county court, of six and thirty-two one hundredths per cent on such bank interest as compensation for handling and investing the money paid into court. R.S., c. 338, s. 4; 2004, c. 3, s. 29; 2007, c. 9, s. 33; 2011, c. 8, s. 18; 2013, c. 3, s. 11; 2015, c. 6, s. 41.

Payment out of court to Minister of Finance

5 Notwithstanding any Act of the Legislature or any order or rule of any court, whenever money has been paid into court and has remained in court for a period of five years, the money, with accrued interest, must be paid to the Minister of Finance and may be used for the purposes of the Province, except that the Minister of Finance shall account for the money and pay out the money as if it were held by the court. 2005, c. 8, s. 18.
