

FINANCIAL ADMINISTRATION ACT
**CONSOLIDATION OF ASSIGNMENT OF
GOVERNMENT DEBT REGULATIONS**
R.R.N.W.T. 1990,c.F-1

(Current to: August 07, 2012)

AS AMENDED BY:

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette* (for regulations made before April 1, 1999) and Part II of the *Nunavut Gazette* (for regulations made on or after April 1, 1999).

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

Any registered regulations not yet published in the *Nunavut Gazette* can be obtained through the Registrar of Regulations at the address below.

Territorial Printer
Legislation Division
Department of Justice
Government of Nunavut
P.O. Box 1000, Station 550
Iqaluit, NU X0A 0H0

Tel.: (867) 975-6305
Fax: (867) 975-6189
Email: Territorial.Printer@gov.nu.ca

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".

Citation of Acts

R.S.N.W.T. 1988,c.D-22	means Chapter D-22 of the <i>Revised Statutes of the Northwest Territories, 1988</i> .
R.S.N.W.T. 1988,c.10(Supp.)	means Chapter 10 of the Supplement to the <i>Revised Statutes of the Northwest Territories, 1988</i> . (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.

Citation of Regulations and other Statutory Instruments

R.R.N.W.T. 1990,c.A-1	means Chapter A-1 of the <i>Revised Regulations of the Northwest Territories, 1990</i> .
R-005-98	means the regulation registered as R-005-98 in 1998. (Note: This is a Northwest Territories regulation if it is made before April 1, 1999, and a Nunavut regulation if it is made on or after April 1, 1999 and before January 1, 2000.)
R-012-2003	means the regulation registered as R-012-2003 in 2003. (Note: This is a Nunavut regulation made on or after January 1, 2000.)
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.)

ASSIGNMENT OF GOVERNMENT DEBT REGULATIONS

1. These regulations apply to the assignment of a debt owed by the Government other than salary or wages owed to a public officer or service contractor.
2. A person applying for an exemption from the operation of subsection 69(3) of the Act shall submit to the Comptroller General
 - (a) a duplicate of the assignment of debt that bears the original signatures of the persons who have executed the assignment or a copy of the assignment certified by a notary public to be a true copy of the assignment, and
 - (b) an authorization in Form 1 of the Schedule and any document which must accompany an authorization under these regulations,but shall not submit any other document unless specifically requested to do so by the Comptroller General.
3. Where the assignor is an individual, the authorization must be witnessed and be accompanied by an affidavit of execution in Form 2 of the Schedule made by the witness.
4. Where the assignor is a corporation, the authorization must be accompanied by the written opinion of a lawyer stating that the assignment and authorization have been validly authorized and executed, and that the corporation has the power to make the assignment.
5. Where the assignor is a partnership, the authorization must be executed by a partner in the partnership, and be accompanied by the written opinion of a lawyer stating that the assignment and authorization are validly authorized and executed, and that
 - (a) the assignment is made in the ordinary course of business of the partnership; or
 - (b) the assignment has been specially authorized by all the partners in the partnership.
6. Where the affairs of the assignor are under the control of a liquidator, trustee or receiver, the authorization must be accompanied by
 - (a) a copy of the court order or other instrument appointing the liquidator, trustee or receiver; and
 - (b) the written opinion of a lawyer stating that the assignment and authorization are validly authorized and executed and that the liquidator, trustee or receiver has the authority to make the assignment on behalf of the assignor.
7. Where the assignment is made in a jurisdiction outside of Canada, the authorization must be accompanied by the written opinion of a lawyer stating that the assignment and authorization are validly authorized and executed and that the assignment is valid and binding on the assignor under the laws of that jurisdiction.

SCHEDULE

FORM 1

(Section 2)

AUTHORIZATION

In this document,

"assignee" means , of
(name of assignee)

.....;
(address of assignee)

"assignor" means , of
(name of assignor)

.....;
(address of assignor)

"assignment" means the assignment of debt datedbetween the assignor and assignee;

"Comptroller General" means Comptroller General as defined in the *Financial Administration Act*;

"debt" means the debt owed to the assignor by the Government of the Northwest Territories under

.....
(nature of indebtedness)

Whereas the assignor has assigned the debt to the assignee by the assignment;

1. The assignor and assignee acknowledge and agree that the Comptroller General may, under section 69 of the *Financial Administration Act*, refuse to accept the assignment;
2. The assignor and assignee acknowledge and agree that the Comptroller General may, under section 22 of the *Financial Administration Act* and the laws applicable to assignment, set off from the debt money owed to the Government by the assignor;
3. The assignor unconditionally authorizes the Comptroller General to make payments in respect of the debt to the assignee at the following address:
.....
.....
.....
4. The assignor and assignee request that the Comptroller General make payments in respect of the debt to the assignee
 - (a) upon receipt of this authorization, or
 - (b) upon receipt of a future demand for payment executed by the assignee.
5. As the Comptroller General requires a period of time to review and process a demand for payment referred to in paragraph 4(b), the assignee unconditionally authorizes the Comptroller General to continue to make payments in respect of the debt to the assignor for a period not to exceed 30 days after the Comptroller General has received a demand for payment.

FORM 2

(Section 3)

AFFIDAVIT OF EXECUTION

I,
(name of witness)

of the
(place of residence)

in the
(province or territory)

make oath and say:

1. that I was personally present and did see named in the attached
(name of assignor)

document, sign the document;

2. that the attached document was signed at the
(place of signing)

in the and that I am the subscribing witness to the
(province or territory)

document; and

3. that I personally know and this person is, in my belief, of the full
(name of assignor)

age of 19 years.

SWORN before me at
(place)

on
(date)

.....
(signature of witness)

.....
*Officer entitled to take oaths for
use in the Northwest Territories*

Nature of office: