

Queensland



# **DISTRICT COURTS ACT 1967**

**Reprinted as in force on 25 February 1994  
(includes amendments up to Act No. 76 of 1993)**

**Reprint No. 1**

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the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This Act is reprinted as at 25 February 1994. As required by section 5 of the Reprints Act 1992, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the Reprints Act 1992, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the Reprints Act 1992, to do the following—

- use citations and references permitted by Division 2 of that Act;
- use updated references permitted by Division 3 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use gender neutral office names as permitted by section 25 of that Act;
- use different spelling consistent with current legislative drafting practice as permitted by section 26(2) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- use conjunctives and disjunctives consistent with current legislative drafting practice as permitted by section 28 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- omit unnecessary referential words as permitted by section 41 of that Act;
- omit the enacting words as permitted by section 42A of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act;
- correct minor errors as permitted by section 44 of that Act.

**Also see Endnotes for—**

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

# Queensland



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# **DISTRICT COURTS ACT 1967**

[as amended by all amendments that commenced on or before 25 February 1994<sup>2</sup>]

## **An Act to consolidate and amend the law relating to District Courts**

### **PART 1—PRELIMINARY**

#### **Short title**

**1.(1)** This Act may be cited as the *District Courts Act 1967*<sup>3–8</sup>.

#### **Commencement of Act**

**(2)** Except as herein otherwise provided this Act shall come into force on a date to be fixed by the Governor in Council by proclamation published in the Gazette.

#### **Suspension of operation of Act**

**(3)** The Governor in Council may by proclamation order that any part or provision of this Act then in force in a district shall cease to be in force in that district for such period as may be specified therein or until such time as the Governor in Council proclaims that such part or provision shall come into force again in that district.

**(4)** The Governor in Council is hereby empowered to make any such last mentioned proclamation.

#### **Statutory references to District Court**

**3.(3)** A reference in any other Act to a District Court shall be construed as a reference to a District Court within the meaning of this Act, and, in the case of an Act passed before the commencement of this Act, shall be so construed notwithstanding that the reference is expressed to relate to a District Court within the meaning of an Act other than this Act.

**Interpretation****4.** In this Act—

“**action**” means a civil proceeding commenced by plaintiff;

“**Chief Justice**” means the Chief Justice of Queensland or the Acting Chief Justice of Queensland;

“**Court**” or “**District Court**” means a court appointed under the authority of this Act;

“**district**” means a particular district assigned to a District Court under the provisions of this Act;

“**goods**” includes money or bank notes, and cheques, bills of exchange, promissory notes, specialties, or other securities for money;

“**Judge**” or “**District Court Judge**” means a Judge of a District Court or District Courts and includes an Acting Judge;

“**judgment**” includes a judgment, order, or other decision or determination of a Judge;

“**landlord**” means the person entitled to the immediate reversion of land, or, if it is held in joint tenancy, coparcenary, or tenancy in common, any 1 of the persons entitled to the reversion;

“**Magistrates Court**” means a Magistrates Court within the meaning of the *Magistrates Courts Act 1921*;

“**Magistrates Courts District**” means a district appointed under the *Justices Act 1886* for the purpose of Magistrates Courts constituted under that Act;

“**matter**” means a proceeding in the Court commenced otherwise than by plaintiff;

“**mentally ill person**” means a person who has been declared by the Supreme Court or a Judge thereof to be mentally ill and incapable of managing the person’s estate, and any person who is otherwise a patient as defined in Schedule 3 to the *Mental Health Act 1962* and any person who, on the trial of any indictment, has been acquitted on the ground of insanity, or who, on arraignment on any indictment, has been found by a jury to be insane, and who in either case is still in confinement;

“**party**” includes a person served with notice of or attending a proceeding, although not named in the record;

“**registrar**” means a registrar of a District Court, and includes a deputy registrar of a District Court;

“**rules of court**” means rules of court made as prescribed by this Act.

## **PART 2—COURTS, JUDGES, REGISTRIES AND OFFICERS**

### *Courts*

#### **Appointment of District Courts**

**5.(1)** The Governor in Council may, by proclamation, order that courts, to be called District Courts, shall be held at such places as the Governor in Council thinks fit, and may, by like proclamation, alter the place for holding a Court, or order that the holding of any Court be discontinued.

#### **Assignment of Districts**

**(2)** The Governor in Council may, by proclamation, assign to any District Court a district, which shall consist of a Magistrates Courts district, or 2 or more contiguous Magistrates Courts districts.

**(3)** When the holding of a Court is discontinued, all proceedings pending in the Court shall be transferred to and continued in such other Court as the Governor in Council may direct by the proclamation, and all records of the Court, the holding of which is discontinued, shall be transferred to such other Court.

#### **Courts to be courts of record**

**6.(1)** Every District Court shall be a court of record and shall have criminal and civil jurisdiction as provided by this Act.

**Limits of the jurisdiction**

(2) Every District Court shall have jurisdiction throughout the whole of Queensland.

**Seal of the Court**

8. For every Court there shall be a seal and notices, summonses, certificates, warrants and other process, issued by the registrar shall be sealed or stamped with the seal.

***Judges*****Appointment and qualification of Judges**

9. The Governor in Council may, by commissions in Her Majesty's name, appoint Judges of District Courts, each of whom shall be a barrister or solicitor of the Supreme Court of Queensland of not less than 5 years standing.

**Chief Judge and Senior Judges**

10.(1) The Governor in Council may, by commission, appoint—

- (a) a District Court Judge as Chief Judge of District Courts; and
- (b) 1 or more District Court Judges as Senior Judge or Senior Judges of District Courts.

(2) The Governor in Council may, by Gazette notice, appoint a Judge to act as Chief Judge or a Senior Judge during any period, or all periods, when the Chief Judge or Senior Judge is, for any reason, unable to discharge the Judge's office.

**Travelling expenses**

11. A Judge shall be entitled to receive the same allowances by way of travelling expenses as are payable to a Judge of the Supreme Court.

**Leave of absence**

**11A.** The Governor in Council may grant leave of absence to a Judge.

**Judges not to practise or sit in Parliament**

**12.** A Judge shall not practise as a barrister, solicitor or notary, or be directly or indirectly concerned or interested in such practice, and a Judge shall not be capable of being summoned or being chosen as a member of the Legislative Assembly.

**Retirement of Judges**

**12A.(1)** A Judge must retire on reaching 70 years of age.

**(2)** Despite subsection (1), a Judge who, before attaining 70 years of age, starts the hearing of a proceeding remains a Judge for the purposes of finishing the proceeding.

**(3)** Subsection (2) does not prevent the filling of the Judge's office from any time after the Judge attains 70 years of age and, for that purpose, the Judge's office is taken to be vacant from that time.

**Removal from office**

**13.(1)** The Governor in Council may remove a Judge for incapacity or misbehaviour.

**(2)** However, 21 days at the least before removal, the Judge shall receive notice of the intention to remove the Judge, and the Judge shall thereafter and before removal have the opportunity of being heard before the Governor in Council in the Judge's defence.

**Retirement of Judge**

**14.** Without prejudice to the power of the Governor in Council contained in section 13 hereof, if and when the Director-General of Medical Services and a duly qualified medical practitioner nominated by the president for the time being of the Queensland Branch of the Australian Medical Association shall certify to the Treasurer that by reason of permanent disability or infirmity a Judge is unable to perform the duties of the Judge's office the

Governor in Council may, after affording the Judge an opportunity of being heard, retire the Judge and thereupon the office of such Judge shall become vacant and the Judge shall cease to be a Judge.

### **Acting Judge**

**16.(1)** The Governor in Council may appoint (by commission in Her Majesty's name) a person qualified to be appointed a District Court Judge to be an Acting Judge—

- (a) during the absence on leave, granted by the Governor in Council, of a Judge; or
- (b) if a Judge be absent from any other cause or is incompetent or unable to take part in any decision or in any trial, action or proceeding or to sit at any sittings of a Court; or
- (c) if for any reason whatsoever the conduct of the business of a Court or the Courts in the opinion of the Governor in Council requires such an appointment.

**(2)** An Acting Judge appointed under subsection (1) shall, during the time for which the Acting Judge is appointed, have all the powers and privileges and perform the duties of a Judge.

### **Governor in Council may assign Courts to each Judge**

**17.** The Governor in Council may, by order in council, assign to a Judge, either permanently or in rotation with other Judges, such Courts as the Judge thinks fit, but the jurisdiction of a Judge shall not be deemed thereby to be limited exclusively to the Courts so assigned to the Judge.

### **Judge empowered to act throughout the State**

**18.** Every Judge appointed shall be appointed for the whole of the State of Queensland and shall, under the Judge's commission, be empowered to act in any District Court.

**Judge to hold Court where directed, and to give notice**

**19.(1)** The Judge to whom a Court is assigned shall attend and hold the Court at the place appointed by the Governor in Council at such times as are appointed by the Judge with the approval of the Attorney-General, but so that a Court is held in the place once at least in such interval as the Governor in Council directs by proclamation.

**(2)** Notice of the days on which the Court is appointed to be held shall be put up in a conspicuous place in the court house and in the office of the registrar, and shall be otherwise published as the Judge directs.

**(3)** When, by reason of the absence of the Judge, the Court cannot be held at the time appointed, the registrar, or, in the event of the registrar's absence, the bailiff, shall adjourn the Court to such day as the registrar or the bailiff deems convenient, and shall enter in the minute-book the cause of the adjournment.

**Adjournment within district**

**19A.** Despite sections 5(1) and 19 and any other provision of this Act, when any action, matter or proceeding is pending or is being heard in a District Court in its civil or criminal jurisdiction at any place, the Judge to whom the Court is assigned may order that the hearing be adjourned from that place to some other place within the same district, if the Judge determines that on the balance of convenience the adjournment should be ordered.

**Judge may sit in chambers**

**20.** A Judge may sit in chambers at any time and at any place, whether that place is within or not within the district of the Court in which the action or proceeding is pending.

**Jurisdiction in chambers**

**21.** Subject to the rules of court, a Judge may exercise in chambers any jurisdiction of a District Court, except the trial of actions, appeals and the hearing of applications for new trials.

**Certain causes and matters not affected by determination of commission**

**22.** If at the determination by effluxion of time or other cause of any commission under this Act there shall be any actions or matters, civil or criminal, including any appeal, partly heard or standing for judgment by or before the holder of such commission, the commission shall only for the purpose of deciding such actions or matters (including the completion of the hearing thereof where necessary) and so far as is necessary for that purpose, remain in force until judgment shall have been delivered therein unless the holder of that commission shall be sooner removed.

**Hearing de novo when trial Judge unable to continue**

**23.(1)** When after the commencement of the hearing of any action or matter, civil or criminal, including any appeal before a Judge, but before judgment in the action or matter has been given, the Judge dies or becomes incapable of continuing to sit or, in the case of an action or matter which has been heard but judgment wherein has not been given, of giving the Judge's judgment, any party to the action or matter may, upon giving 7 days notice to the other party or parties, apply to a Judge for an order that the action or matter may be heard and determined de novo.

**(2)** On an application under this section to a Judge (or in the absence of a Judge to a Judge of the Supreme Court) that Judge—

- (a) (if this section is applicable, in the action or matter, by reason of the incapacity of a Judge), may, according as the Judge deems fit, either adjourn the action or matter as the Judge deems necessary, in order to enable the Judge before whom the hearing thereof was commenced to give judgment and, if necessary for that purpose, to complete the hearing, or order the action or matter to be heard and determined de novo; and
- (b) in any other case shall order the action or matter to be heard and determined de novo.

**(3)** When, pursuant to this section, an action or matter is heard and determined de novo—

- (a) the Judge so hearing or determining the same may make such order as to the costs of the first hearing as the Judge shall think fit;



and

- (b) the first hearing shall for all purposes, other than that set out in paragraph (a) of this subsection be deemed a nullity.

### **Proof of incapacity of Judge**

24. When proof of the incapacity of a Judge is necessary for a purpose of the last preceding section, the certificate of the Chief Justice that such Judge is incapable as specified in the certificate shall be prima facie evidence of that fact.

### **Judge may perform the duties of another Judge**

25. In the case of absence or disability of a Judge, or on an emergency, another Judge may, at the request in writing of the first mentioned Judge or of the Chief Justice, sit either in court or in chambers for the first mentioned Judge, and may exercise all the powers and perform all the duties which that Judge might have exercised or performed.

### **Removal of action only in manner provided by this Act**

27. A judgment given by a Judge, or an action or matter brought before the Judge or depending in the Judge's court, shall not be removed by appeal, motion, writ of error or certiorari, or otherwise into another court, save and except in the manner and according to the provisions of this Act.

### *Certiorari*

### **When action may be removed**

28.(1) When any action, matter or proceeding is pending in a District Court in its civil or criminal jurisdiction or when any accused person has been committed for trial to a District Court, the Supreme Court or a Judge thereof shall, upon application by the Crown, in a criminal matter or proceeding or in any action or civil proceeding in which the Crown is a party and may, if it or the Judge thinks it desirable, upon the application of any interested person, direct a writ of certiorari to be issued for removing

such action, matter or proceeding into the Supreme Court or a Circuit Court or recommit the accused person for trial to the Supreme Court or a Circuit Court.

(2) The Supreme Court or Judge may impose such terms as to payment of costs, giving security for costs or otherwise as it or the Judge thinks fit and it or the Judge may make such orders as to remand custody and bail and in respect of the notices to witnesses or otherwise as it or the Judge shall think fit.

### *Order in lieu of mandamus*

#### **Rule or order substituted for writ of mandamus to a Judge or officer**

29. A writ of mandamus shall not be issued to a Judge or an officer of a District Court requiring the Judge or officer to do any act relating to the duties of his or her office, but a party requiring the act to be done may apply to the Supreme Court or a Judge thereof, upon an affidavit of the facts, for a rule or summons calling upon the Judge or officer of the District Court, and also the party to be affected by the act, to show cause why the act should not be done, and if after the service of the rule or summons good cause is not shown, the Supreme Court or a Judge thereof may, by rule or order, direct the act to be done, and the Judge or officer of the District Court shall, upon being served with the rule or order, obey it under pain of attachment, and in any event the Court or Judge may make such order with respect to costs as to the Court or Judge seems fit.

### *Prohibition*

#### **Judge not to be served with notice of application for prohibition**

30.(1) When an application is made to the Supreme Court or a Judge thereof for a writ of prohibition addressed to a District Court, the Judge of the District Court shall not be served with notice, and shall not, except by the order of a Judge of the Supreme Court, be required to appear or be heard on the application, and shall not be liable to any order for the payment of the costs thereof, but the application shall be proceeded with and heard in the same manner in all respects as a case of an appeal duly brought from a

judgment of a Judge.

(2) Notice of the application shall be given to or served upon the same parties as in the case of an order made or refused by a Judge in a matter within the Judge's jurisdiction.

### *Practice in such cases*

#### **Rule or summons to show cause why a writ of certiorari or prohibition should not be issued to be a stay of proceedings**

**31.(1)** The granting by the Supreme Court, or by a Judge thereof, of a rule or summons to show cause why a writ of certiorari or of prohibition should not be issued to a District Court, shall, if the Supreme Court or a Judge thereof so directs, operate as a stay of proceedings in the action to which the same relates until the determination of the rule or summons, or until such Court or Judge otherwise orders, and the Judge of the District Court shall, from time to time, adjourn the hearing of the action to such day as the Judge thinks fit, until the determination or until such order is made.

#### **Notice of rule or summons to be given to registrar and parties**

(2) If a copy of the rule or summons is not served by the party who obtained it on the opposite party, and on the registrar of the District Court, at least 2 clear days before the day fixed for the hearing of the action, the Judge of the District Court may order the party who obtained the rule or summons to pay the costs of the day, or so much thereof as the Judge thinks fit, unless the Supreme Court or a Judge thereof has made a different order respecting such costs.

#### **Notice of writ of certiorari or prohibition obtained ex parte to be given to registrar and parties**

**32.** When a writ of certiorari or of prohibition addressed to a District Court is granted by the Supreme Court or a Judge thereof on an ex parte application, and the party who obtained it does not lodge it with the registrar, and give notice to the opposite party that it has been issued, at least 2 clear days before the day fixed for hearing the action to which it relates, the Judge of the District Court may order the party who obtained the writ to pay all the costs of the day, or so much thereof as the Judge thinks fit, unless the

Supreme Court or a Judge thereof has made a different order respecting such costs.

### ***Registries***

#### **Registry etc.**

**33.(1)** In this section—

**“District Court registry”** means the office of the registrar of a District Court.

(2) Unless or until otherwise prescribed, where a central registry or a district registry of the Supreme Court exists in a city or town where pursuant to the provisions of this Act a District Court shall be held, such central registry or district registry, as the case may be, shall be a District Court registry.

(3) When a central registry or district registry is also a District Court registry then subject to this Act the registrar or district registrar, deputy registrar, bailiff and other officers of the Supreme Court at that city or town and any persons hereafter either permanently or temporarily holding those offices shall be, without any further appointment than by this Act, officers (in their several offices) respectively of the District Court at that place for all the purposes of this Act and shall have all the powers, jurisdictions, authorities and duties conferred or imposed upon the holders of such respective offices under this Act.

(4) Unless or until otherwise prescribed where a central registry or a district registry of the Supreme Court does not exist in a city or town where pursuant to the provisions of this Act a District Court shall be held, but a Magistrates Court does exist in that city or town, then the registry of the Magistrates Court at that city or town shall be the District Court registry at that place.

(5) Subject to this Act, the registrar of the Magistrates Court in that city or town and the deputy registrar, bailiff and other officers of that Court, and any persons hereafter either permanently or temporarily holding those offices, shall be, without any further appointment than by this Act, officers (in their several offices) respectively of the District Court at that place for all the purposes of this Act and shall have all the powers, jurisdictions,

authorities and duties conferred or imposed upon the holders of such respective offices under this Act.

### *Officers*

#### **Appointment and salary of registrar and deputy registrars**

**34.** For every Court the Governor in Council may appoint a registrar and such deputy registrars and such other officers as the Governor in Council shall think fit, who shall be paid such salary as the Governor in Council may determine.

#### **Duties of registrar**

**35.** The registrar shall sign and issue summonses and warrants and register the records and judgments, and keep minutes of the proceedings of the Court, and shall take charge of and keep an account of the court fees and fines payable or paid into court, and of the moneys paid into and out of court, and shall enter an account of the fees, fines and moneys, in a ledger kept by the registrar for that purpose, and shall, when required, submit the registrar's accounts to be audited by the Auditor-General or the registrar's officers.

#### **Registrar to act as deputy sheriff**

**36.** The registrar shall, during the sitting of the Court act as deputy sheriff, and exercise the powers and perform the duties of a deputy sheriff as prescribed by the *Jury Act 1929* so far as the provisions of those Acts are applicable.

#### **Minutes of proceedings to be kept**

**37.(1)** The registrar shall cause a note of the complaints, summonses, judgments, executions and returns thereto, and of the fines and of all other proceedings of the Court, to be fairly entered from time to time in a register maintained by the Court and kept at the office of the Court.

**Evidence**

(2) In any action or other proceeding the books, and any entries therein, or copies of the books or entries under the seal of the Court and purporting to be signed and certified by the registrar, shall upon production be prima facie evidence of the contents of the books, or of the entries, and of the proceedings referred to in them, and of the regularity of the proceedings.

**When a clerk of the court is registrar, the clerk's successor or deputy shall be registrar**

38.(1) When a clerk of the court is appointed registrar of a District Court held at the place where the person is clerk, the successor in office of the clerk, or a deputy, or a person performing the duties for the time being, shall exercise, and have the rights and powers, and shall perform the duties of the registrar of the District Court while the person is performing the duties of such clerk.

(2) However, the provisions of this section shall not affect the power of appointment hereinbefore vested in the Governor in Council.

(3) In this section—

“**clerk of the court**” has the meaning assigned to that expression by the *Justices Act 1886*.

**Appointment of bailiffs and bailiffs' assistants**

39.(1) For every Court there shall be 1 or more bailiffs, who shall be appointed by the Governor in Council.

(2) A bailiff may be suspended by a Judge.

(3) The bailiff may, by writing under the bailiff's hand, appoint a sufficient number of fit persons to assist the bailiff, and may dismiss all or any of them and appoint others in their stead.

(4) An officer so appointed may also be suspended by a Judge or suspended or dismissed by the Attorney-General.

(5) The bailiff shall be responsible for the acts and defaults of the officers appointed to assist the bailiff.

**Bailiffs' assistants may act after the death or removal of bailiff**

**40.(1)** The death or removal of a bailiff shall not invalidate the acts of the officers so appointed, but they shall continue to act until they are dismissed by the successor to the bailiff or by the Attorney-General.

**(2)** They shall receive for their services while they so act after the death or removal of the bailiff the same remuneration as they were receiving at the date of the death or removal, and such remuneration shall be paid out of the salary and allowances attached to the office of bailiff.

**Duties of bailiffs**

**41.(1)** The bailiffs or 1 of them shall, if required by the Judge, attend every sitting of the Court, and shall, by themselves or their officers, serve all plaints, and summonses and execute all warrants issued out of the Court, and the bailiffs and officers shall in the execution of their duties conform to the rules of court, and subject thereto to the order and direction of the Judge of the Court for which they are appointed.

**(2)** However, a plaint or a summons may be served by the plaintiff or a person employed by the plaintiff.

**Bailiff not required to take out auctioneer's license**

**42.** A bailiff or other officer duly authorised to execute a warrant of execution issued under the authority of this Act may sell land or goods without taking out an auctioneer's license.

**Remuneration of bailiffs**

**43.(1)** A bailiff shall be paid a salary on account of the bailiff's general duties, and shall also be entitled to receive and retain for the bailiff's own use the fees prescribed as bailiffs' fees, unless the Judge in any case otherwise orders.

**(2)** The bailiff shall, out of such fees, provide for the performance of the duties for which the fees are allowed, and for the payment of the officers appointed to assist the bailiff.

(3) The fees received for executing warrants of execution shall be paid by the registrar to the bailiff upon the issue of the warrant of execution.

### **Bailiff answerable for escape and neglect to levy execution**

44.(1) If a bailiff who is directed to levy execution loses by neglect, connivance, or omission, the opportunity of levying the execution, a Judge may, upon complaint of the party aggrieved, inquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of the necessary parties in the same manner in which the attendance of witnesses in an action may be enforced, and may order the bailiff to pay such damages as it appears that the plaintiff has sustained, not exceeding in any case the sum of money for which the execution was issued, and the bailiff shall be liable to pay the same.

(2) Upon demand made, and on the bailiff's refusal to pay and satisfy the damages, payment may be enforced in the manner provided by this Act.

### **Police officers to attend at District Courts and execute warrants etc.**

45. Police officers shall when required attend at the several District Courts held at the respective places where the police officers are stationed, and shall obey and execute in all cases every lawful summons, warrant, execution, order and command of the Judge presiding at any such District Court.

### *General provisions relating to officers*

### **Disabilities of registrar and bailiff**

46.(1) A registrar shall not act as bailiff and a bailiff, the bailiff's partner or clerk, or a person in the service or employment of a bailiff or the bailiff's partner, shall not act as registrar, and an officer of the Court shall not, either by himself or herself or by the officer's partner, be directly or indirectly concerned as solicitor or agent for a party in a proceeding in the Court.

(2) Any person committing an offence against this section shall be liable to pay the sum of \$200 and full costs of action to any person who sues for the same.



**Bailiff to give security**

47. Every bailiff shall give security for such sum and in such manner, as the Governor in Council orders, for the due performance of the bailiff's office and for the due accounting for and payment of moneys received by the bailiff under this Act or which the bailiff is liable to pay for misbehaviour in the bailiff's office.

**Remedies against and penalties on bailiffs and other officers for misconduct**

48.(1) If a registrar, bailiff or other officer, acting under, or under colour or pretence, of the process of the Court is charged with extortion or misconduct, or with not duly paying or accounting for money levied by the officer under the authority of this Act, a Judge may inquire into the matter in a summary way, and for that purpose may summon and enforce the attendance of the necessary parties in the manner provided by this Act for enforcing the attendance of witnesses, and may make such order for the repayment of the money extorted, or for the due payment of the money so levied, and for the payment of such damages and costs as the Judge thinks just.

(2) The Judge may also impose a fine upon the registrar, bailiff or other officer not exceeding \$20 for each offence, and, in default of payment of the money so ordered to be paid, payment may be enforced in the manner provided by this Act for enforcing a judgment.

**Indemnity to persons acting under this Act**

49. If an action is brought against a person for anything done under a warrant issued in pursuance of this Act, the production of the warrant under the seal of the Court in the action shall be deemed sufficient proof of the authority of the Court previous to the issuing of the warrant, and if the plaintiff in the action has a verdict given against the plaintiff, is nonsuited, or discontinues the action, the defendant shall be allowed costs.

***Barristers, solicitors and agents*****Appearance to be in person or by barrister, or solicitor, or other person allowed by the Judge**

**51.(1)** A party to an action or other proceeding under this Act may appear in person or by a barrister or solicitor or by any person allowed by special leave of the Judge in any case.

**(2)** But a person, not being a barrister or solicitor of the Supreme Court, shall not be entitled to claim or recover, or receive directly or indirectly, a sum of money or other remuneration for appearing or acting on behalf of another person in a District Court.

**PART 3—JURORS****Who shall be jurors**

**52.(1)** The persons qualified and liable to act as jurors for the trial of criminal and civil issues and for the assessment of damages respectively, under the provisions of the *Jury Act 1929* shall be the persons qualified and liable to act as jurors in the District Courts.

**(2)** Where a Court is held at a Court town at which the central registry or district registry of the Supreme Court is also the District Court registry pursuant to this Act, the jury lists made under those Acts by the sheriff or deputy sheriff, or copies of them, shall be the jury lists for the Court.

**(3)** Every District Court shall be a Court within the meaning of the *Jury Act 1929* and every place where a District Court is held shall be a Court town within the meaning of those Acts and such Acts shall be read and construed accordingly.

**(4)** Where the Court is held at a Court town at which there is no Supreme Court registry, the registrar of the District Court shall be, without further appointment than by this Act, a deputy sheriff.

**Jury list for newly proclaimed districts**

**53.(1)** When the Governor in Council, by proclamation, orders a Court to be held at a town in which there is no central registry or district registry of the Supreme Court, the jury lists for that town shall be made by the sheriff in accordance with such directions as the Governor in Council may give.

**(2)** If the Governor in Council does not give any such directions, the sheriff shall make such jury lists in accordance with the *Jury Act 1929* as far as they can be made applicable.

**Provisions of the Jury Act 1929 to apply**

**54.(1)** Except as herein otherwise provided, all provisions of the *Jury Act 1929* shall apply in respect of District Courts as they apply in respect of the Supreme Court.

**(2)** Without limiting the generality thereof the provisions of those Acts relating to the constituting and procuring of juries, and the summoning and challenging of jurors, and the discharge of juries, shall extend and apply to the constituting and procuring of juries, and the summoning and challenging of jurors, and the discharge of juries, in District Courts.

**Precept or order**

**55.(1)** The registrar of a District Court shall have the same power to issue jury precepts and orders to the sheriff or the sheriff's deputy for summoning jurors for the trial of criminal and civil issues as a registrar of the Supreme Court shall have for the issuing of such precepts and orders for the trial of such issues in the Supreme Court, and such sheriff or the sheriff's deputy shall have the like powers, authorities and duties in respect thereof as they or the sheriff may have in respect of a jury precept or order issued to them by the registrar of the Supreme Court.

**Number to be empanelled**

**(3)** In respect of a District Court exercising its criminal jurisdiction, unless a Judge of the District Court otherwise orders the number required to be summoned to appear and serve as jurors shall be at least 36 persons.

**Attendance of jurors**

**56.** A Judge of a District Court shall have the same powers to inflict fines for the non-attendance of jurors as a Judge of the Supreme Court has under section 47 of the *Jury Act 1929*, and that section shall hereafter be read and construed as if the words ‘or District Court’ were inserted after the word ‘Court’ where it occurs in that section, and the words ‘or District Court Judge’ were inserted after the word ‘Judge’ where it occurs in that section.

**Payments to jurors**

**57.** Every juror duly summoned who attends a Court shall, for every day during which the juror is required to attend and actually attends the Court (whether he or she actually serves upon a jury or not), be entitled to, and every tales whose name has been added to the panel, shall be entitled to receive such compensation for such attendance and allowance for the juror’s travelling expenses as may be prescribed from time to time in respect of jurors attending a Supreme Court or a Circuit Court.

## **PART 4—CRIMINAL JURISDICTION AND PROCEDURE**

**District Courts shall have criminal jurisdiction**

**58.** A District Court shall have jurisdiction to inquire of, hear, and determine all indictable offences, wheresoever committed, save as hereinafter excepted.

**Exception from criminal jurisdiction**

**59.(1)** Subject to subsection (2), a District Court shall not have jurisdiction to try a person charged with any indictable offence in respect of which the maximum term of imprisonment which may be imposed exceeds 14 years.

**(2)** A District Court shall have jurisdiction to try a person charged with committing or counselling or procuring the commission of any offence

defined in sections 208, 213, 215, 216, 219, 222, 229B, 315 to 317, 337, 347, 398, 409, 411, 412, 415, 419, 461 and 469 of the Criminal Code including any such offence in respect of which 1 or more than 1 circumstance of aggravation provided for under that code is alleged to exist, whether or not the maximum term of imprisonment which may be imposed in respect thereof exceeds 14 years.

### **Governor may withdraw criminal jurisdiction**

**60.** The Governor in Council may, by proclamation, withdraw from a Court, either absolutely or for a time to be limited by the proclamation, the criminal jurisdiction possessed by the Court, and after 3 months from the publication of the proclamation in the Gazette the criminal jurisdiction of the Court named in the proclamation shall cease.

### *Procedure*

#### **Change of venue**

**61.(1)** When an accused person is committed for trial to a District Court, not being the Court of the district within which the offence is alleged to have been committed, a Judge of the Supreme Court or of a District Court, may order the trial to be held in the Court of that district, and may make all such orders for the remand and custody of the accused person, and for the enlargement of the accused person's bail or the notices to witnesses, as may be necessary.

**(2)** In any other case the venue may be changed by order of a Judge of the Supreme Court, or of a District Court, who may make the like orders for the purposes aforesaid.

**(3)** The Judge of a District Court may, at any stage of a criminal trial pending in the Judge's Court, order that the trial take place at another District Court, subject to such conditions as the Judge thinks fit, and may remand the accused in custody or on bail to that Court.

#### **Change of trial from Supreme Court to District Court**

**62.(1)** When a person has been committed for trial or sentence to the

Supreme Court or a Circuit Court or has been indicted in any such court for an offence triable in a District Court any District Court Judge if so requested by the Chief Justice may try or sentence such person and for that purpose shall have the same powers and jurisdiction as if the committal had been to or the indictment had been presented in a District Court.

(2) The request of the Chief Justice may be made in respect of a particular case or cases or in respect of specified categories of cases.

(3) When a person has been committed for trial to a District Court or has been indicted in a District Court any Judge of the Supreme Court shall have the same powers and jurisdiction to try such person as if the committal had been to or the indictment presented in the Supreme Court or Circuit Court.

### **Jury in criminal cases**

63. All indictable offences prosecuted in the Court shall be tried by a Judge and a jury of 12, to be chosen, returned, summoned and sworn, as by law for the time being is provided for the choosing, returning, summoning and swearing, of jurors for the trial of criminal issues in the Supreme Court.

### **Issues of law and fact**

64. Issues of law and fact shall be determined by the Judge or jury as if the trial were a trial on indictment in the Supreme Court.

### **Registrar may issue subpoenas**

65.(1) The registrar may issue subpoenas in criminal cases for the attendance of witnesses at the trial of a person committed for trial to the Court of which he or she is registrar, or to another Court, whether an information or indictment has been presented against such person or not.

(2) A person disobeying a subpoena shall be liable to the same consequences as for disobedience to a subpoena issued in a civil proceeding under the authority of this Act.

## **PART 5—CIVIL JURISDICTION**

**District Courts' civil jurisdiction**

**66.(1)** A District Court shall have jurisdiction to hear and determine—

- (a) all personal actions, where the amount, value or damage sought to be recovered does not exceed the monetary limit including—
  - (i) any equitable claim or demand for recovery of money or damages, whether liquidated or unliquidated;
  - (ii) any claim for detention of chattels;
  - (iii) any claim for rent or mesne profits;
  - (iv) any claim for any debt, damages or compensation arising under any Act; and
- (b) actions and matters—
  - (i) for enforcing by delivery of possession any mortgage, encumbrance, charge or lien, where the amount owing in respect thereof does not exceed the monetary limit;
  - (ii) for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed in amount or value the monetary limit;
  - (iii) for specific performance of an agreement for the sale or other disposition of land or an interest in land or of any other property, where the value of the land or interest or property does not exceed the monetary limit, or in lieu of or in addition to specific performance, damages not exceeding the monetary limit;
  - (iv) for rectifying, delivering up or cancelling any agreement, where the amount in dispute or the value of the property affected does not exceed the monetary limit;
  - (v) for a declaration of partnership or dissolution or winding up of, or otherwise relating to, any partnership, where the property of the partnership does not exceed in amount or value the monetary limit;
  - (vi) for the sale or partition or division of property pursuant to section 38 or 41 of the *Property Law Act 1974*, where the

property does not exceed in amount or value the monetary limit;

- (vii) for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the monetary limit;
- (viii) for the execution of a trust or a declaration that a trust subsists, where the estate or fund subject or alleged to be subject to the trust does not exceed in amount or value the monetary limit;
- (ix) relating to the custody, maintenance or advancement of an infant including the appointment of a guardian to the property or person of an infant but not so as to authorise any order under this provision affecting assets or property of an infant exceeding in amount or value the monetary limit;
- (x) for family provision pursuant to sections 40 to 43 of the *Succession Act 1981*, but so that any provision resulting from an order made by the Court shall not exceed in amount or value the monetary limit;
- (xi) to recover possession of any land, where the value of the land does not exceed the monetary limit;
- (xii) to restrain, whether by injunction or otherwise, any actual, threatened or apprehended trespass or nuisance to land, where the value of that land does not exceed the monetary limit, or, in lieu of or in addition to such an injunction, damages not exceeding the monetary limit;
- (xiii) for the determination of any question of construction arising under a deed, will or other written instrument, and for a declaration of the rights of the persons interested where the sum or the property in respect of which the declaration is sought does not exceed in amount or value the monetary limit;
- (xiv) for the appointment under section 104 of the *Public Trustee Act 1978* of the Public Trustee as administrator of any unclaimed property, where the gross value of the property does not exceed in amount or value the monetary limit.



(2) In this section—

“**monetary limit**” means \$200 000.

(3) For the purpose of determining whether or not a District Court has jurisdiction under this Part—

- (a) in the case of proceedings falling within subsection (1)(a)(ii)—the amount claimed for detention of goods is the amount claimed for the value of the goods together with the amount (if any) claimed for damages for the detention of the goods;
- (b) in the case of proceedings falling within subsection (1)(b)(iii), (xi) or (xii)—the value of land shall be the most recent valuation, current at the time of instituting the proceedings, made by the chief executive (of the department within which the *Valuation of Land Act 1944* is administered) under the *Valuation of Land Act 1944*, or, if there is no such valuation in respect of the land, the current market value at that time of the land exclusive of improvements thereto;
- (c) in any case where it is necessary to determine whether the monetary limit is exceeded—no account shall be taken of any amount awarded or liable to be awarded in the action by way of interest on any amount.

(4) Where any question arises as to the amount or value for the purpose of jurisdiction under this Part the decision of the District Court or Judge thereof shall be conclusive as to that matter.

### **Powers of District Court**

**67.(1)** Subject to this Act and to the rules of court, a District Court and any Judge thereof has, for the purposes of exercising the jurisdiction conferred by this Part, all the powers and authorities of the Supreme Court and any Judge thereof, and may in any proceeding in like manner and to like extent—

- (a) grant such relief or remedy; and
- (b) make any order, including an order for attachment or committal in consequence of disobedience to an order; and
- (c) give effect to every ground of defence or matter of set-off whether

equitable or legal;

as may and ought to be done in like cases by a Judge of the Supreme Court.

(2) Without affecting the generality of subsection (1), a District Court and any Judge thereof shall, in any proceedings in which jurisdiction is conferred under this Part, have power to grant relief—

- (a) by way of a declaration of rights of the parties;
- (b) by way of injunction, whether interim, interlocutory or final, in the proceedings;
- (c) by staying the proceedings or part thereof;
- (d) by appointing a receiver including an interim receiver.

(3) Subject to this Act and the rules of court, the practice and procedure of a District Court or a Judge thereof—

- (a) in exercising the jurisdiction conferred by this Part; and
- (b) in enforcing any judgment or order made in the exercise of that jurisdiction;

shall so far as practicable be the same as the practice and procedure of the Supreme Court or a Judge thereof in like matters.

(4) Without affecting the generality of subsection (3), the appropriate officer of the District Court shall, in addition to any duties otherwise imposed on the officer, discharge—

- (a) any duty which an officer of the Supreme Court would be required under the practice of the Supreme Court to discharge in the like circumstances;
- (b) any duty imposed on the officer by any order of the Court.

(5) For the purposes of subsection (4) the appropriate officer of the District Court shall have the powers of the relevant officer of the Supreme Court.

### **Relief against proceedings to recover land**

68. In relation to proceedings instituted or threatened to be instituted pursuant to section 66(1)(b)(xi), the District Court or a Judge thereof may exercise all or any of the powers and authorities of the Supreme Court or a

Judge thereof under sections 124, 125 and 127 of the *Property Law Act 1974*.

### **Reference to arbitration**

**71.** The Judge may in any action or matter, at any time before judgment, order the action or matter or any question arising thereon, with or without other matters within the jurisdiction of the Court in dispute between the parties, to be referred to arbitration, to such person or persons and in such manner and on such terms as the Judge thinks reasonable.

### **Consent jurisdiction**

**73.(1)** If both parties agree, by a memorandum signed by them or by their solicitors, that any specified District Court shall have jurisdiction to try any action which might be brought or any counterclaim which might be made in the Supreme Court, that District Court shall have jurisdiction to try the action or counterclaim, or both.

**(2)** The memorandum shall state that the parties signing it know that the action or as the occasion shall require, the counterclaim, is not within the jurisdiction of the District Court without such consent, and shall be filed with the registrar in the case of an action at the time when the plaint is entered and in the case of a counterclaim, at the time the defence and counterclaim is filed or at such later time as a Judge on application made in that behalf, may allow.

### **Splitting demands—abandonment of excess**

**74.(1)** A plaintiff shall not divide a cause of action for the purpose of bringing 2 or more actions in a District Court, but a plaintiff having a cause of action for more than the amount for which a plaint might be entered under this Act may abandon the excess (which abandonment shall be stated in the plaint), and thereupon the plaintiff may, on proving the plaintiff's case, recover to an amount not exceeding the limit specified by this Act and the judgment of the Court shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment of the Court shall be made accordingly.

**Splitting debt by giving bills**

(2) If a defendant has given 2 or more bills of exchange, promissory notes, bonds or other securities, for a debt or sum originally exceeding the amount specified in section 66(2) the plaintiff may sue separately upon each of the securities not exceeding such amount as forming a distinct cause action.

***Trial by jury*****When a jury may be summoned**

75. Any party may require a jury to be summoned in any of the following cases—

- (a) in any action or matter in which the amount claimed exceeds \$10 000;
- (b) in any action for the recovery of possession of land of which the value exceeds \$10 000;
- (c) in proceedings in interpleader in which the amount claimed or the value of the goods in question exceeds \$10 000;
- (d) in an action or matter which before the commencement of the *District Courts Act and Other Acts Amendment Act 1989* might have been commenced only in the Supreme Court unless the parties agreed to it being heard and determined in another jurisdiction;

unless the action or matter is one which if brought in the Supreme Court would be required to be heard and determined by a Judge without a jury.

***Evidence*****Rules of evidence**

76. The rules of evidence observed in the Supreme Court shall be applicable to and observed upon the trial of questions of fact in a District Court.

***Removal of actions*****Removal of proceedings from Supreme Court to District Court**

**77.(1)** If proceedings are pending in the Supreme Court that in the absence of a memorandum signed under section 73—

- (a) might have been brought in a District Court within its jurisdiction under this Part; or
- (b) in a case where an Act amending the jurisdiction of District Courts comes into operation while the proceedings are pending in the Supreme Court—might have been brought in a District Court within its jurisdiction under this Part if the Act had come into operation before the proceedings were brought in the Supreme Court;

a party to the proceedings may at any time apply to the Supreme Court or a Judge thereof for an order remitting the proceedings to a District Court, or the Supreme Court or a Judge thereof may of its or the Judge's own motion order the party that brought the proceedings to show cause as directed therein why the proceedings should not be so remitted.

**(1A)** If the Supreme Court or a Judge thereof makes an order under subsection (1) on its or the Judge's own motion, the registrar shall give notice of the order to the party in question and in accordance with the rules of the Supreme Court.

**(2)** In a hearing conducted pursuant to subsection (1), unless it is shown to the satisfaction of the Supreme Court or the Judge—

- (a) that unnecessary delay would be caused by a trial in a District Court; or
- (b) that either by reason of the probable cost of trial in a District Court, or by reason of the questions of law involved in the proceedings, or because there is reason to believe that a fair trial cannot be had in a District Court, the case ought to be tried in the Supreme Court;

it or the Judge may order the proceedings pending in the Supreme Court to be remitted to a District Court.

**(3)** Where the Supreme Court or a Judge thereof makes an order under

subsection (2) remitting proceedings to a District Court, the registrar of the Supreme Court shall transmit to the registrar of that District Court a copy of the order and a copy of the writ, pleadings or other documents filed by the parties in the registry of the Supreme Court in relation to the proceedings.

(4) Proceedings remitted to a District Court shall be heard and determined and judgment therein shall be entered as if the proceedings had been commenced in that District Court.

(5) The costs of the parties in respect of proceedings remitted to a District Court by an order made under subsection (2)—

- (a) incurred subsequently to the order shall be allowed according to the scale prescribed in District Courts;
- (b) incurred before the order—
  - (i) in the case of proceedings referred to in subsection (1)(a) shall be in the discretion of the Supreme Court or a Judge thereof; and
  - (ii) in the case of proceedings referred to in subsection (1)(b) shall be allowed according to the scale prescribed in the Supreme Court.

(6) A reference in subsection (1)(b) to an Act amending the jurisdiction of District Courts includes the *District Courts Act and Other Acts Amendment Act 1989*.

### **Removal of proceedings from a District Court to a Magistrates Court**

**78.(1)** If proceedings are pending in a District Court within its jurisdiction under this Part that without the consent of all parties—

- (a) might have been brought in a Magistrates Court; or
- (b) in a case where an Act amending the jurisdiction of Magistrates Courts comes into operation while the proceedings are pending in the District Court—might have been brought in a Magistrates Court if the Act had come into operation before the proceedings were brought in the District Court;

a party to the proceedings may at any time apply to the District Court or a Judge thereof for an order remitting the proceedings to a Magistrates Court, or the District Court or a Judge thereof may of its or the Judge's own

motion order the party that brought the proceedings to show cause as directed therein why the proceedings should not be so remitted.

**(1A)** If a District Court or a Judge thereof makes an order under subsection (1) on its or the Judge's own motion, the registrar shall give notice of the order to the party in question and in accordance with the rules of court.

**(2)** In a hearing conducted pursuant to subsection (1), unless it is shown to the satisfaction of the District Court or the Judge—

- (a) that unnecessary delay would be caused by a trial in a Magistrates Court; or
- (b) that either by reason of the probable cost of trial in a Magistrates Court, or by reason of the questions of law involved in the proceedings, or because there is reason to believe that a fair trial cannot be had in a Magistrates Court, the case ought to be tried in the District Court;

it or the Judge may order the proceedings pending in the District Court to be remitted to a Magistrates Court.

**(3)** Where a District Court or a Judge thereof makes an order under subsection (2) remitting proceedings to a Magistrates Court, the registrar of that District Court shall transmit to the registrar of the Magistrates Court to which the proceedings are remitted a copy of the order and a copy of the pleadings or other documents filed by the parties in the registry of the District Court in relation to the proceedings.

**(4)** Proceedings remitted to a Magistrates Court shall be heard and determined and judgment therein shall be entered as if the proceedings had been commenced in that Magistrates Court.

**(5)** The costs of the parties in respect of proceedings remitted to a Magistrates Court by an order made under subsection (2)—

- (a) incurred subsequently to the order shall be allowed according to the scale prescribed in Magistrates Courts;
- (b) incurred before the order—
  - (i) in the case of proceedings referred to in subsection (1)(a)—shall be in the discretion of the District Court or a Judge thereof; and

- (ii) in the case of proceedings referred to in subsection (1)(b)—shall be allowed according to the scale prescribed in the District Courts.

(6) A reference in subsection (1)(b) to an Act amending the jurisdiction of Magistrates Courts includes the *District Courts Act and Other Acts Amendment Act 1989*.

### **Plaintiff's right to transfer action from Magistrates Court to District Court**

**79.(1)** Where there is now or hereafter pending in a Magistrates Court an action, the plaintiff may at any time apply to a District Court or a Judge thereof for an order to transfer the action to a District Court on the ground that there is reasonable ground for supposing that the relief or remedy sought (which would be available if the action were transferred to the District Court) is not available in the Magistrates Court.

(2) If, on any such application the Judge is satisfied that there is reasonable ground as aforesaid, the Judge shall make an order that the action be transferred to a District Court.

### **Transfer of certain actions from Magistrates Court to District Court at defendant's instance**

**80.(1)** Where there is now or hereafter pending in a Magistrates Court any action wherein the relief or remedy sought is one which would also be available if the action were transferred to a District Court, the defendant may make application to a District Court or a Judge thereof to transfer the action to a District Court.

(2) The Judge shall not grant the application unless the Judge is satisfied that some important question of law or fact is likely to arise and the order for transfer of the action shall be subject to the defendant giving security to be approved by the registrar for the costs of the trial in a District Court.

### **Procedure where proceedings beyond jurisdiction are commenced in Magistrates Court**

**81.(1)** Where any proceedings are now or hereafter pending in a



Magistrates Court in which a Magistrates Court has no jurisdiction, that Magistrates Court shall, unless it is given jurisdiction by an agreement made under the provisions of the rules under the *Magistrates Courts Act 1921* order that the proceedings (save proceedings which are not within the jurisdiction of a District Court) be transferred to a District Court.

(2) However, where, on the application of any defendant, it appears to the Magistrates Court that the plaintiff or 1 of the plaintiffs knew or ought to have known that a Magistrates Court had no jurisdiction in the proceedings, the Magistrates Court may, if it thinks fit, instead of ordering that the proceedings be transferred as aforesaid, order that they be struck out.

### **Plaintiff's right to transfer action from District Court to Supreme Court**

**83.(1)** Where there is now or hereafter pending in a District Court an action, the plaintiff may at any time apply to the Supreme Court or a Judge thereof for an order to transfer the action to the Supreme Court, on the ground that there is reasonable ground for supposing that the relief or remedy sought is not available in the District Court.

(1A) If, on any such application, the Court or Judge is satisfied that there is reasonable ground as aforesaid, it or the Judge shall make an order that the action be transferred to the Supreme Court.

### **Transfer of certain actions from District Court to Supreme Court at defendant's instance**

(2) Where there is now or hereafter pending in a District Court any action, the defendant may make application to the Supreme Court or a Judge thereof to transfer the action to the Supreme Court.

(3) The Court or Judge shall not grant the application unless it or the Judge is satisfied some important question of law or fact is likely to arise and the order for transfer of the action shall be subject to the defendant giving security to be approved by the registrar for the costs of the trial in the Supreme Court.

### **Costs**

**84.** When an order is granted for the removal of an action or matter from a District Court, or for the issuing of a writ of certiorari for such removal,

and provision is not made with respect to the costs of the proceedings in the District Court, the costs of the proceedings shall be costs in the action or matter.

### **Procedure where proceedings beyond jurisdiction are commenced in District Court**

**85.(1)** Where any proceedings are now or hereafter pending in a District Court in which a District Court has no jurisdiction, that Court shall, unless it is given jurisdiction by an agreement made under the provisions of section 73, order that the proceedings be transferred to the Supreme Court.

**(2)** However, where, on the application of any defendant, it appears to a District Court that the plaintiff or 1 of the plaintiffs knew or ought to have known that a District Court had no jurisdiction in the proceedings, a District Court may, if it thinks fit, instead of ordering that the proceedings be transferred as aforesaid, order that they be struck out.

### **Jurisdiction as to counterclaims**

**86.(1)** Where, in any action now or hereafter pending in a District Court, any counterclaim or set-off and counterclaim which involves matter beyond the jurisdiction of a District Court has been filed by any defendant, any party to the action may, within 14 days after the filing of the said counterclaim or set-off and counterclaim, apply to a Judge of the Supreme Court for an order that the whole proceedings, or the proceedings on the said counterclaim or set-off and counterclaim be transferred to the Supreme Court.

**(2)** On any such application the Judge of the Supreme Court may, as the Judge thinks fit, order either—

- (a) that the whole proceedings be transferred to the Supreme Court; or
- (b) that the whole proceedings be heard and determined in a District Court; or
- (c) that the proceedings on the counterclaim or set-off and counterclaim be transferred to the Supreme Court and that the proceedings on the plaintiff's claim and the defence thereto other than the set-off (if any) be heard and determined in a District

Court.

(2A) However, where an order is made under subsection(2)(c), and judgment on the claim is given for the plaintiff, execution thereon shall, unless the Supreme Court or a Judge thereof at any time otherwise orders, be stayed until the proceedings transferred to the Supreme Court have been determined.

(3) Where the Supreme Court makes any order under the provisions of this section, the registrar shall forward to the registrar of the District Court a copy of the order so made.

(4) If no application is made under this section within the time prescribed, or if on such an application it is ordered that the whole proceedings be heard and determined in a District Court, the District Court shall have jurisdiction to hear and determine the whole proceedings, notwithstanding any enactment to the contrary.

### **Application of statutes of limitations**

**87.** Any action, matter or proceeding which has been or may be—

- (a) remitted or transferred from the Supreme Court or another court to a District Court; or
- (b) removed or remitted or transferred from a District Court to the Supreme Court or another court;

shall be deemed, for the purposes of the *Law Reform (Limitation of Actions) Act 1956*, the *Limitation Act 1960*, the *Limitation (Persons under Disabilities) Act 1962*, or any other enactment prescribing a period of limitation within which an action, matter or proceeding may be brought, to have been brought in the Court to which it has been removed, remitted or transferred on the day the action, matter or proceeding was originally brought whether in the Supreme Court, a District Court or any other court.

## **PART 6—RECOVERY OF POSSESSION OF LAND**

**Warrant empowers bailiff to enter on land**

**91.** A warrant to a bailiff to give possession of land empowers the bailiff named in the warrant to enter on the land with such assistance as the bailiff determines and to give possession accordingly.

**PART 7—APPEALS***Appeal from a District Court to the Court of Appeal***Appeal to the Court of Appeal in certain cases**

**92.(1)** Any party who is dissatisfied with the final judgment of a District Court, whether in its original or appellate jurisdiction—

- (a) in an action or matter in which the sum sued for exceeds \$10 000;
- (b) in an action for the recovery of possession of land of which the value exceeds \$10 000;
- (c) in proceedings in interpleader in which the amount claimed or the value of the goods in question exceeds \$10 000;
- (d) in an action or matter which before the commencement of the *District Courts Act and Other Acts Amendment Act 1989* might have been commenced only in the Supreme Court unless the parties agreed to it being heard and determined in another jurisdiction;

may appeal to the Court of Appeal.

**(2)** Any party who is dissatisfied with a judgment of a District Court other than one hereinbefore mentioned in this section may by leave of the Court of Appeal or a Judge of Appeal appeal to the Court of Appeal.

**(2A)** Such leave may be granted upon such terms as to security for costs or otherwise as the Court of Appeal or a Judge of Appeal may impose but such leave shall not be granted unless some important question of law or justice is involved.

**(3)** An appeal to the Court of Appeal from a judgment of a District Court

in its original jurisdiction sitting without a jury shall be by way of rehearing—

- (a) where the sum sued for exceeds \$20 000; and
- (b) where the action or matter is one which before the commencement of the *District Courts Act and Other Acts Amendment Act 1989* might have been commenced only in the Supreme Court unless the parties agreed to it being heard and determined in another jurisdiction; and
- (c) where, in any other case whatsoever the Court of Appeal so orders.

### **Jurisdiction of Court of Appeal**

**93.(1)** On the hearing of an appeal the Court of Appeal shall have power to draw inferences of fact from facts found by the Judge or jury, or from admitted facts or facts not disputed provided that where the appeal is not by way of rehearing such inferences shall not be inconsistent with the findings of the Judge or jury.

**(2)** On the hearing of any appeal the Court of Appeal—

- (a) may order a new trial on such terms as the Court thinks just; and
- (b) may order judgment to be entered for any party, or may make any other order, on such terms as the Court of Appeal thinks proper, to ensure the determination on the merits of the real questions in controversy between the parties; and
- (c) may make such order with respect to the costs of the appeal as it thinks proper;

and every such order shall be final.

### **Parties may agree not to appeal**

**94.** An appeal shall not lie from the decision of a Judge if, before the decision is pronounced, both parties agree, in writing signed by themselves or their solicitors or agents, that the decision of the Judge shall be final.

**Appeals from Magistrates Courts**

**95.(1)** An appeal shall not lie from a Magistrates Court to the Supreme Court.

(2) An appeal shall lie to a District Court in such cases and subject to the same conditions as such an appeal lay to the Supreme Court prior to the coming into operation of the *District Courts Act 1958* and a District Court shall have the same powers, authorities and duties as the Supreme Court had in respect of any such appeal or application for leave to appeal.

**Special case**

(3) A Magistrates Court may not state in the form of a special case for the opinion of the Supreme Court any question of law arising in any case, but in lieu thereof may state in the form of a special case for the opinion of a District Court any such question of law, and the District Court shall have the same powers, authorities and duties as the Supreme Court had in respect of such a special case prior to the coming into force of the *District Courts Act Amendment Act 1960*.

**Other appeals**

**96.(1)** Where in any Act provision is made for an appeal—

- (a) to a Court of general or quarter sessions; or
- (b) to a Judge of the Supreme Court on circuit; or
- (c) from a decision of justices and no other court of appeal is designated;

the appeal shall lie to a District Court.

(2) In any such case, the Judge may state in the form of a special case for the opinion of the Supreme Court any question of law arising upon the facts of the case, and the Judge's judgment shall be affirmed, amended or reversed, as the Supreme Court, upon the hearing of the special case, directs.

**PART 8—ENFORCEMENT OF JUDGMENTS**

### ***Action on judgment***

#### **Action on judgment**

**97.** An action may be brought in the Supreme Court upon a judgment in a District Court, but the plaintiff shall not recover any costs in such an action up to judgment unless the defendant appears and unsuccessfully defends the action.

#### **Judgment to survive death**

**98.** A judgment obtained by a plaintiff but not satisfied previous to the plaintiff's death and also all causes of action shall survive to the plaintiff's personal representative who may issue out execution in the representative's own name in the same way in which the plaintiff might have done.

#### **Warrant of execution**

**99.** A warrant of execution shall be deemed to be a writ of execution for the purposes of section 91 of the *Real Property Act 1861*, as amended by section 21 of the *Real Property Act Amendment Act 1952*, section 35 of the *Real Property Act 1877* as amended by section 43 of the *Real Property Act Amendment Act 1952*, and section 28 of the *Sale of Goods Act 1896*.

#### **Entry of Magistrates Court judgment**

**100.(1)** Whenever any judgment has been entered in a Magistrates Court the registrar of that court shall, upon application made by the judgment creditor or any person on the creditor's behalf, grant and issue to the person making the application a certificate of such judgment and of the amount remaining due and unpaid thereon and shall make a minute of the grant of such certificate in the judgment book and in the execution book.

**(2)** No such certificate shall be granted—

- (a) before the expiration of any time during which execution could not be issued out of the Magistrates Court; or
- (b) until after the return of any warrant of execution issued out of the Magistrates Court under that judgment against the goods and

chattels of the judgment debtor.

(3) After the issue of any such certificate no further proceedings by way of execution on such judgment shall be had or taken in the Magistrates Court.

(4) Any such certificate may be filed in a District Court and thereupon without any previous process final judgment may be entered in that Court (from which judgment no appeal shall lie) for the sum mentioned in such certificate to be unpaid and all costs, fees and charges of obtaining the said certificate and entering such final judgment.

(5) Upon the entry of such judgment execution may be forthwith issued out of any District Court as for any other judgment of the said Court.

## **PART 9—GENERAL PROVISIONS**

### *Rules of court*

#### **Power to make rules of court**

**101.(1)** The District Court Judges for the time being or a majority of them, with the approval of the Judges of the Supreme Court or 2 of them of whom the Chief Justice shall be 1, and with the sanction of the Governor in Council, may, from time to time, make all such rules of court as may be deemed necessary or convenient for regulating the procedure and practice of District Courts and for the purpose of giving full effect to this Act or of any other Act conferring jurisdiction, power or authority on District Courts.

(1A) Rules of court may be made, approved and sanctioned at any time after the passing of this Act.

(1B) Without restricting the generality of the foregoing, such rules of court may make provision for all or any of the following matters—

- (a) the government and conduct of the registrars, officers and servants of the Court;
- (b) the duties of such registrars, officers and servants;



- (c) conferring on registrars, either generally or in any particular case and under such circumstances and on such conditions as may be prescribed, the jurisdiction, powers and authorities wholly or in part of a Judge in chambers, and providing for an appeal from such registrars in the exercise of any such jurisdiction, power or authority;
- (d) the mode of keeping the books, entries and accounts to be kept by the registrars;
- (e) the times for appearing to plaintiffs and summonses, for filing and serving notices of defence, and the mode of such service;
- (f) the particulars to be given in any plaintiff or defence including set-off or counterclaim;
- (g) the fees to be allowed to barristers and solicitors, and the expenses to be paid to witnesses;
- (h) forms for all matters and proceedings in the Court;
- (i) the taking of the notes of the trial or hearing of any action or matter;
- (j) service and execution of process outside the State and subsequent procedure thereon.

(2) Rules of court may be made under this Act modifying any provision in respect of practice or procedure of the Court contained in this Act.

### *Fees and fines*

#### **Amount of court fees**

**102.(1)** The Governor in Council may from time to time by order in council determine the fees to be paid in respect of civil proceedings in a District Court and the purposes for which and the documents in relation to which such fees shall be payable.

(2) The fees shall be paid in the first instance by the party on whose behalf the proceeding is to be taken, and shall be paid before the proceeding is taken, and the fees payable for executing warrants of execution shall be paid into court before or at the time of the issue of the process of execution.

(3) A table of the fees for the time being shall be put up in some conspicuous place in the court house and in the registrar's office.

### **Fees and fines to be paid to the Consolidated Fund**

**103.** All fees payable in respect of any proceedings to the registrar, except such of them as the bailiff is entitled to receive and retain for the bailiff's own use, and all fines imposed under this Act and received by the registrar, shall be paid into the Consolidated Fund.

### *Offences*

#### **Contempt of court**

**105.(1)** If any person—

- (a) wilfully insults a Judge or a juror or a registrar, bailiff, or other officer of a Court, during the person's sitting or attendance in Court, or in going to or returning from the Court; or
- (b) wilfully interrupts the proceedings of the Court or otherwise misbehaves himself or herself in Court; or
- (c) unlawfully obstructs or assaults any person in attendance in Court; or
- (d) without lawful excuse disobeys any lawful order or direction of the Court at the hearing of any proceeding;

the person shall be guilty of an offence and may be excluded from the room or other place in which the Court is sitting by order of the Court, and may, whether the person is so excluded or not, be dealt with as provided hereinafter by this section.

(2) A bailiff or other officer may, with or without the assistance of any other persons, by order of the Court, take an offender against subsection (1)(a), (b) or (c) into custody and detain the offender until the rising of the Court.

(3) If any person shall do any other act or thing which is a contempt of a District Court the person shall be guilty of an offence under this section.

(4) The Court may order an offender under this section, whether the

offender is excluded from the room or place in which the Court is sitting or not or whether the offender is taken into custody or not, to be committed to prison for any period not exceeding 12 months, or may impose on the offender a fine not exceeding 84 penalty units, and in the latter event may also order that in default of payment the offender shall be committed to prison for any period not exceeding 12 months unless the fine is sooner paid.

(5) In imprisoning or fining an offender under subsection (4) of this section, there shall be no need to take any evidence on oath or issue any summons, but at any time before the rising of the Court, the offender shall be called upon to show cause why the offender should not be punished.

### **Executors**

**107.** An executor or administrator may sue and be sued in a District Court in the same manner in which a person may sue or be sued in the person's own right, and in any such case judgment may be given and execution issued against the same persons against whom, and in the same manner in which, judgment would be given or execution issued in the Supreme Court.

### **Tabling of proclamations, orders in council and rules of court**

**108.** Section 28A of the *Acts Interpretation Act 1954* (which requires regulations to be published in the Gazette and laid before the Legislative Assembly as prescribed therein) applies in relation to proclamations, orders in council and rules of court made under this Act as if the proclamations, orders in council and rules of court were regulations.

### **Judicial notice**

**109.(1)** All courts shall take judicial notice of every rule of court made under this Act and of the date on which every such rule of court came into operation.

(2) This section shall not be construed so as to limit the effect of section 43 of the *Evidence Act 1977*.

**Transitional references to Chairman etc.**

**110.** A reference in another Act to the Chairman of District Courts or a Deputy Chairman of District Courts is, for anything done, or proposed to be done, after 3 June 1993, taken to be a reference to the Chief Judge of District Courts or a Senior Judge of District Courts.

**ENDNOTES****1 Index to Endnotes**

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**2 Date to which amendments incorporated**

This is the reprint date mentioned in section 5(c) of the Reprints Act 1992. Accordingly, this reprint includes all amendments that commenced operation on or before 25 February 1994. Future amendments of the District Courts Act 1967 may be made in accordance with this reprint under section 49 of the Reprints Act 1992.

**3 List of legislation****District Courts Act 1967 No. 42**

date of assent 14 December 1967

commenced 21 December 1967 (proc pubd Gaz 21 December 1967 p 1469)

as amended by—

**District Courts Act Amendment Act 1969 No. 16**

date of assent 16 December 1969

commenced on date of assent

**District Courts Act Amendment Act 1972 No. 7**

date of assent 14 December 1972

commenced on date of assent

**Jury Act Amendment Act 1972 No. 35 s 24**

date of assent 21 December 1972

commenced 1 March 1993 (proc pubd Gaz 24 February 1973 p 821)

**Court Funds Act 1973 No. 73 s 3(2)**

date of assent 19 December 1973

commenced 17 June 1974 (proc pubd Gaz 8 June 1974 p 846)

**Limitation of Actions Act 1974 No. 75 s 4 Sch**

date of assent 1 November 1974

commenced 1 July 1975 (see s 2)

**District Courts' and Magistrates Courts' Jurisdiction Act 1976 No. 19 Pt 2 (as amended by Act No. 53 of 1976)**

date of assent 15 April 1976

commenced 14 June 1977 (proc pubd Gaz 4 June 1977 p 866)

**Jury Act and other Acts Amendment Act 1976 No. 39 Pt 3**

date of assent 5 May 1976

commenced 30 August 1976 (proc pubd Gaz 24 July 1976 p 1718)

**Public Trustee Act 1978 No. 73 s 5(4) Sch 1**

date of assent 8 December 1978

commenced 1 January 1979 (proc pubd Gaz 23 December 1978 p 1970)

**Crown Proceedings Act 1980 No. 2 s 4(2) Sch**

date of assent 31 March 1980

commenced 1 July 1980 (proc pubd Gaz 28 June 1980 p 1634)

**Bail Act 1980 No. 35 s 4(1) Sch 1**

date of assent 14 May 1980

commenced 1 July 1980 (proc pubd Gaz 28 June 1980 p 1634)

**District and Magistrates Courts Acts and Property Law Act Amendment Act 1982 No. 51 Pt 2**

date of assent 22 October 1982

commenced 23 May 1983 (proc pubd Gaz 14 May 1983 p 393)

**District Courts Act Amendment Act 1985 No. 53**

date of assent 20 September 1985

commenced on date of assent

**District Courts (Venue of Appeals) Act 1988 No. 7 Pt 5**

date of assent 7 April 1988

ss 1, 2(1) commenced on date of assent

remaining provisions commenced 1 August 1988 (proc pubd Gaz 16 July 1988 p 2876)

**District Courts Act and Other Acts Amendment Act 1989 No. 40 Pt 2**

date of assent 5 May 1989

ss 1, 2(1) commenced on date of assent

remaining provisions commenced 1 November 1989 (proc pubd Gaz 21 October 1989 p 1249)

**Statute Law (Miscellaneous Provisions) Act 1990 No. 88 s 3 Sch**

date of assent 6 December 1990

commenced on date of assent

**Justice Legislation (Miscellaneous Amendments) Act 1991 No. 42 s 3 Sch**

date of assent 5 August 1991  
 commenced on date of assent

**Supreme Court of Queensland Act 1991 No. 68 s 111 Sch 2**

date of assent 24 October 1991  
 commenced 14 December 1991 (1991 SL No. 173 Gaz 14 December 1991  
 p 1973)

**Statute Law (Miscellaneous Provisions) Act 1991 No. 97 s 3 Sch 1**

date of assent 17 December 1991  
 commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1993 No. 32 s 3 Sch 1**

date of assent 3 June 1993  
 commenced on date of assent

**Justice and Attorney-General Legislation (Miscellaneous Provisions) Act 1993  
 No. 68 Pt 2**

date of assent 23 November 1993  
 commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act (No. 2) 1993 No. 76 s 3 Sch 1**

date of assent 14 December 1993  
 commenced on date of assent

## 4 List of annotations

**Key to abbreviations in list of annotations**

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by  
 amendments not included in reprint, are underlined

**Parts of Act**

s 2            amd 1989 No. 40 s 4

om 1991 No. 68 s 111 Sch 2

**Statutory references to District Court**

s 3 amd 1991 No. 68 s 111 Sch 2

**Application of “The Bankers’ Books Evidence Act of 1949.”**

s 7 om 1990 No. 88 s 3 Sch

**Appointment and qualification of Judges**

s 9 amd 1969 No. 16 s 2; 1972 No. 7 s 2

**Chief Judge and Senior Judges**

s 10 sub 1985 No. 53 s 3; 1993 No. 32 s 3 Sch 1

**Leave of absence**

s 11A ins 1993 No. 68 s 3

**Retirement of Judges**

s 12A ins 1991 No. 68 s 111 Sch 2

**Retirement of Judge**

s 14 amd 1991 No. 68 s 111 Sch 2

**Application of “The Judges Retirement Act of 1921.”**

s 15 om 1991 No. 68 s 111 Sch 2

**Acting Judge**

s 16 amd 1972 No. 7 s 3

**Adjournment within district**

s 19A ins 1991 No. 42 s 3 Sch

**Two Judges may sit at same place**

s 26 om 1993 No. 76 s 3 Sch 1

**When action may be removed**

s 28 amd 1980 No. 35 s 4(1) Sch 1

**Minutes of proceedings to be kept**

s 37 amd 1988 No. 7 s 16

**Limitation of actions**

s 50 om 1974 No. 75 s 4 Sch

**Who shall be jurors**

s 52 amd 1976 No. 39 s 34

**Jury list for newly proclaimed districts**

s 53 amd 1976 No. 39 s 35

**Precept or order**

prov hdg amd 1976 No. 39 s 36(a)(i)

s 55 amd 1972 No. 35 s 24(1); 1976 No. 39 s 36(a)(ii)–(c)

**Exception from criminal jurisdiction**

s 59 sub 1989 No. 40 s 5

amd 1990 No. 88 s 3 Sch



**Change of venue**

**s 61** amd 1980 No. 35 s 4(1) Sch 1

**District Courts' civil jurisdiction**

**s 66** amd 1976 No. 19 s 5; 1982 No. 51 s 5  
sub 1989 No. 40 s 6

**Powers of District Court**

**s 67** amd 1976 No. 19 s 6  
sub 1989 No. 40 s 6

**Relief against proceedings to recover land**

**s 68** amd 1976 No. 19 s 7  
sub 1989 No. 40 s 6

**Court to be deemed to have power to grant specific performance and rectification**

**s 69** om 1989 No. 40 s 6

**Action by Crown in District Court**

**s 70** amd 1976 No. 19 s 8  
om 1980 No. 2 s 4(2) Sch

**Amendment of 31 Vic. No. 16**

**s 72** om 1976 No. 19 s 9

**Splitting demands—abandonment of excess**

**s 74** amd 1976 No. 19 s 10

**When a jury may be summoned**

**s 75** amd 1976 No. 19 s 11; 1982 No. 51 s 5; 1989 No. 40 s 7

**Removal of proceedings from Supreme Court to District Court**

**s 77** sub 1989 No. 40 s 8

**Removal of proceedings from a District Court to a Magistrates Court**

**s 78** sub 1989 No. 40 s 8

**Plaintiff's right to transfer action from Magistrates Court to District Court**

**prov hdg** amd 1989 No. 40 s 9(a)  
**s 79** amd 1989 No. 40 s 9(b)–(c)

**Transfer of certain actions from Magistrates Court to District Court at defendant's instance**

**prov hdg** amd 1989 No. 40 s 10(a)  
**s 80** amd 1989 No. 40 s 10(b)

**How provisions to be read**

**s 82** om 1989 No. 40 s 11

**Plaintiff's right to transfer action from District Court to Supreme Court**

**prov hdg** sub 1989 No. 40 s 12(a)(i)  
**s 83** amd 1989 No. 40 s 12(a)(ii)–(iii), (b)

**Possession of small tenements may be recovered by landlords when terms have expired or been determined**

s 88      amd 1976 No. 19 s 12 (as amd 1976 No. 53 s 3)  
om 1989 No. 40 s 13

**In plaint for recovery of possession plaintiff may claim for rent and mesne profits**

s 89      amd 1976 No. 19 s 13  
om 1989 No. 40 s 13

**Possession of small tenements may be recovered by landlords for non-payment of rent**

s 90      amd 1976 No. 19 s 14 (as amd 1976 No. 53 s 4); 1982 No. 51 s 5  
om 1989 No. 40 s 13

**Warrant empowers bailiff to enter on land**

s 91      sub 1991 No. 97 s 3 Sch 1

**Appeal from a District Court to the Court of Appeal**  
hdg prec s 92 amd 1991 No. 68 s 111 Sch 2**Appeal to the Court of Appeal in certain cases**

prov hdg amd 1991 No. 68 s 111 Sch 2  
s 92      amd 1976 No. 19 s 15; 1982 No. 51 s 5; 1989 No. 40 s 14; 1991 No. 68  
s 111 Sch 2

**Jurisdiction of Court of Appeal**

prov hdg amd 1991 No. 68 s 111 Sch 2  
s 93      amd 1991 No. 68 s 111 Sch 2

**Appeals from Magistrates Courts**

s 95      amd 1988 No. 7 s 17

**Other appeals**

s 96      amd 1988 No. 7 s 18

**Power to make rules of court**

s 101     amd 1993 No. 32 s 3 Sch 1

**Unclaimed Money in Court**

hdg prec s 104 om 1973 No. 73 s 3(2)

**Suitors' money unclaimed for fifteen years to be paid to the Consolidated Fund**

s 104     om 1973 No. 73 s 3(2)

**Contempt of Court**

s 105     amd 1989 No. 40 s 15

**Where party to action under disability**

s 106     om 1978 No. 73 s 5(4) Sch 1

**Tabling of Proclamations, orders in council and rules of court**

s 108     sub 1989 No. 40 s 16

**Judicial notice**

s 109     ins 1989 No. 40 s 16

**Transitional references to Chairman etc.**

s 110 ins 1993 No. 76 s 3 Sch 1

**5 Table of changed titles**TABLE OF CHANGED TITLES  
under section 23A of the Reprints Act 1992

Old	New	Reference provision
member of the Police Force	police officer	s 11.1(1)(c) Police Service Administration Act 1990
Valuer-General	chief executive (of the department within which the Valuation of Land Act 1944 is administered)	s 6 Valuation of Land Act 1944
Consolidated Revenue Fund	Consolidated Fund	s 112 Financial Administration and Audit Act 1977

**6 Table of corrected minor errors**TABLE OF CORRECTED MINOR ERRORS  
under section 44 of the Reprints Act 1992

Provision	Description
61(3)	om 'depending' ins 'pending'
74(2)	om 'section 66(1)' ins 'section 66(2)'

**7 Table of renumbered provisions**TABLE OF RENUMBERED PROVISIONS  
under section 43 of the Reprints Act 1992

Previous	Renumbered as
1(3) (2nd sentence)	1(4)
13 (1st sentence)	13(1)
13 (2nd sentence)	13(2)
19 (1st sentence)	19(1)
19 (2nd sentence)	19(2)
19 (3rd sentence)	19(3)

28 (1st sentence)	28(1)
28 (2nd sentence)	28(2)
30 (1st sentence)	30(1)
30 (2nd sentence)	30(2)
31 (1st sentence)	31(1)
31 (2nd sentence)	31(2)
33(4) (2nd sentence)	33(5)
38 (1st sentence)	38(1)
38 (2nd sentence)	38(2)
38 (3rd sentence)	38(3)
39 (1st sentence)	39(1)
39 (2nd sentence)	39(2)
39 (3rd sentence)	39(3)
39 (4th sentence)	39(4)
39 (5th sentence)	39(5)
40 (1st sentence)	40(1)
40 (2nd sentence)	40(2)
41 (1st sentence)	41(1)
41 (2nd sentence)	41(2)
43 (1st sentence)	43(1)
43 (2nd sentence)	43(2)
43 (3rd sentence)	43(3)
44 (1st sentence)	44(1)
44 (2nd sentence)	44(2)
46 (1st sentence)	46(1)
46 (2nd sentence)	46(2)
48 (1st sentence)	48(1)
48 (2nd sentence)	48(2)
51 (1st sentence)	51(1)
51 (2nd sentence)	51(2)
52 (1st sentence)	52(1)
52 (2nd sentence)	52(2)
52 (3rd sentence)	52(3)
52 (4th sentence)	52(4)
53 (1st sentence)	53(1)
53 (2nd sentence)	53(2)
54 (1st sentence)	54(1)
54 (2nd sentence)	54(2)
61 (1st sentence)	61(1)
61 (2nd sentence)	61(2)
61 (3rd sentence)	61(3)
62 (1st sentence)	62(1)
62 (2nd sentence)	62(2)
62 (3rd sentence)	62(3)
65 (1st sentence)	65(1)
65 (2nd sentence)	65(2)

73 (1st sentence)	73(1)
73 (2nd sentence)	73(2)
77(1) (2nd sentence)	77(1A)
78(1) (2nd sentence)	78(1A)
79 (1st sentence)	79(1)
79 (2nd sentence)	79(2)
80 (1st sentence)	80(1)
80 (2nd sentence)	80(2)
81 (1st sentence)	81(1)
81 (2nd sentence)	81(2)
83(1) (2nd sentence)	83(1A)
83(2) (2nd sentence)	83(3)
85 (1st sentence)	85(1)
85 (2nd sentence)	85(2)
86(2) (2nd sentence)	86(2A)
92(2) (2nd sentence)	92(2A)
96 (1st sentence)	96(1)
96 (1st unnum para)	96(1)(a)
96 (2nd unnum para)	96(1)(b)
96 (3rd unnum para)	96(1)(c)
96 (2nd sentence)	96(2)
101(1) (2nd sentence)	101(1A)
101(1) (3rd sentence)	101(1B)
102 (1st sentence)	102(1)
102 (2nd sentence)	102(2)
102 (3rd sentence)	102(3)
109 (1st sentence)	109(1)
109 (2nd sentence)	109(2)

## **8 Table of comparative legislation**

<b>s 16</b>	55 Vic No. 33 s 19; 55 Vic No. 37 s 12
<b>s 18</b>	55 Vic No. 33 ss 10, 11
<b>s 22</b>	13 Geo 6 No. 42 s 4
<b>s 23</b>	7 Eliz 2 No. 13 s 5
<b>s 24</b>	7 Eliz 2 No. 13 s 6
<b>s 57</b>	20 Geo 5 No. 19 s 21
<b>s 66</b>	No. 6117 s 37 (Vic)
<b>s 96</b>	50 Vic No. 17 ss 222–232
<b>s 101</b>	12 Geo 5 No. 15 s 11