New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. 43, 1951.

An Act to amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith. [Assented to, 10th December, 1951.]

BE

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and citation.

- 1. (1) This Act may be cited as the "Matrimonial Causes (Amendment) Act, 1951."
- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the Matrimonial Causes Act, 1899-1951.
- (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.

Amendment of Act No. 23, 1912.

Sec. 132.
(Issues of fact remitted to District Court for trial.)

Sec. 133A.
(Questions of fact in undefended matrimonial cases.)

2. (1) The District Courts Act, 1912, as amended by subsequent Acts, is amended—

(a) by omitting from section one hundred and thirtytwo the words "of fact";

- (b) (i) by omitting subsection one of section 133a and by inserting in lieu thereof the following subsection:—
 - (1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where—
 - (a) no appearance has been entered;
 - (b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland; and
- (c) it does not appear on the record that the petitioner has committed adultery,

shall, unless it appears that there is sufficient cause to the contrary, be remitted by

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words-

Any such endorsement may be amended, varied or revoked by such registrar or other officer;

(iii) by omitting paragraph (c) of subsection six of the same section.

(2) The Matrimonial Causes Act 1899, as amended Amendment by subsequent Acts, is amended-

of Act No. 14, 1899.

(a) by inserting in section three at the end of the Sec. 3. definition of "The Court" the following new (Interpreparagraph:-

tation.)

(3) in the case of any proceeding to which section 93A of this Act applies the registrar or any deputy registrar.

(b) by omitting section 93A and by inserting in lieu Subst. thereof the following section:-

93A. Where questions in any suit have been Decrees in remitted for trial pursuant to section 133A of certain the District Courts Act, 1912, as amended by pronounced subsequent Acts, the power, authority and jurisdiction in or in respect of such suit (including power, authority and jurisdiction in matters of costs, custody and access) which, but for this section, would be exercisable by the Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar.

cases to be by registrar.

3. The Matrimonial Causes Act 1899, as amended by Further subsequent Acts, is further amended by inserting next of Act No. 14, 1899. after section 93A the following new section:-

New sec.

93B. (1) Notwithstanding anything contained in Registrar to section 93A of this Act, where in any matter coming matters to Judge.

before

before the registrar or any deputy registrar after the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him—

- (a) that any respondent party is desirous of being let in to defend the suit;
- (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged or that the petition is presented or prosecuted in collusion with a respondent might be made;
- (c) that there is ground on which a decree might not be pronounced or the petition might be dismissed pursuant to section nineteen or subsection one of section twenty of this Act;
- (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
- (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree *nisi*, is sought by any party,

the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.

(2) The power to make general rules conferred by subsection one of section ninety-one of this Act shall, without limiting the generality thereof, extend to include power to make general rules for the purpose of carrying out or giving effect to the provisions of this section and of section 93A of this Act.

Removal of doubts and validation.

4. (1) No remission of questions of fact arising in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, for trial by a judge of a District Court

Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted immediately before the commencement of this Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.

- (2) All proceedings had in the matrimonial causes jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes Act 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and be deemed always to have been as valid as if this Act, other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the decree or order, or the date of the subsequent proceeding, as the case may be.
- (3) No marriage celebrated in New South Wales on or after the thirteenth day of February, one thousand nine hundred and fifty, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the marriage was celebrated after the making in divorce proceedings of a decree absolute which might, but for this Act, have been invalid.

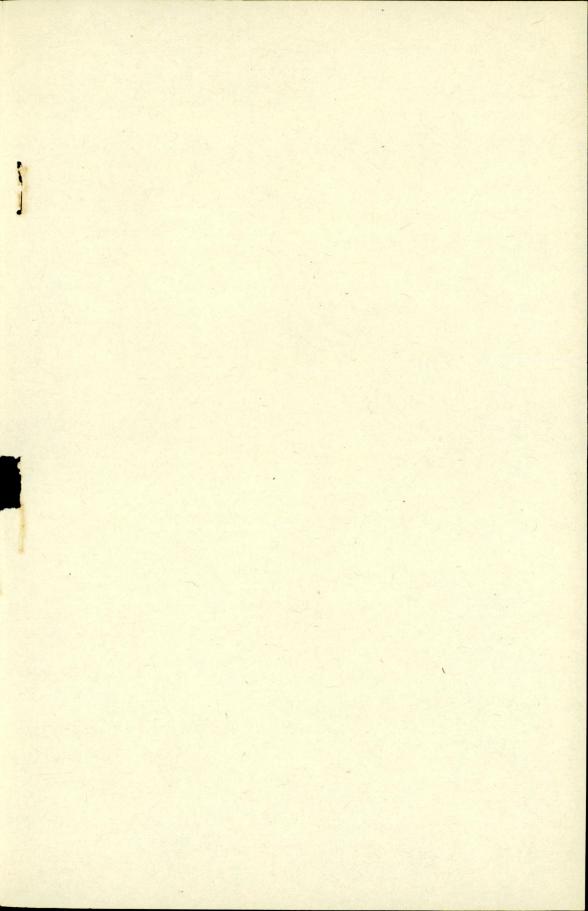
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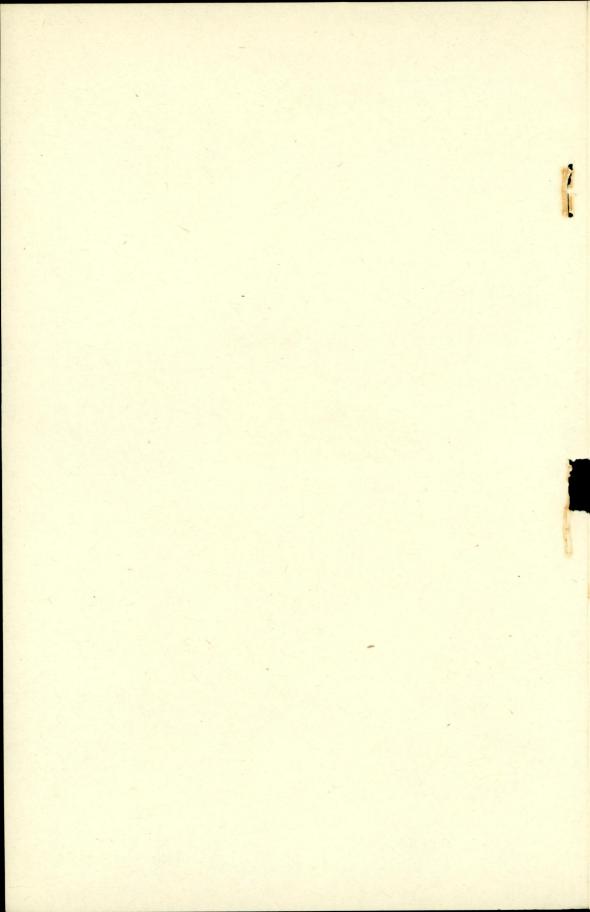
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- (2) All supposedings had in the north-montal names furtherents day of the Samirena Court on real after the intercents day of the supposed mine bindered and after and before the comments of the supposed court of this Act the comments of the Artific Artifi
- (3) No marriage release of New Section Water and of after the thirteenth day of Pejounn's one thousand muse fluidhed and tiffy dash be decomed on declared in alid or be decomed to a have been invalid to course only of the fact that the marriage was collaborated after the making in divorce proceedings of a decome absolute which might cout for the Act have been absolute.

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I certify that this Public Bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

H. ROBBINS, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 4 December, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. 43, 1951.

An Act to amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith.

[Assented to, 10th December, 1951.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH, Chairman of Committees of the Legislative Assembly.

DE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title and citation.

- 1. (1) This Act may be cited as the "Matrimonial Causes (Amendment) Act, 1951."
- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the Matrimonial Causes Act, 1899-1951.
- (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.

Amendment of Act No. 23, 1912.

Sec. 132.
(Issues of fact remitted to District Court for trial.)

Sec. 133A.
(Questions
of fact in
undefended
matrimonial
cases.)

2. (1) The District Courts Act, 1912, as amended by subsequent Acts, is amended—

- (a) by omitting from section one hundred and thirtytwo the words "of fact";
 - (b) (i) by omitting subsection one of section 133A and by inserting in lieu thereof the following subsection:—
 - (1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where—
 - (a) no appearance has been entered;
 - (b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland;
 and
 - (c) it does not appear on the record that the petitioner has committed adultery,

shall, unless it appears that there is sufficient cause to the contrary, be remitted by

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words-

Any such endorsement may be amended, varied or revoked by such registrar or other officer;

- (iii) by omitting paragraph (c) of subsection six of the same section.
- (2) The Matrimonial Causes Act 1899, as amended Amendment by subsequent Acts, is amended—

tation.)

- (a) by inserting in section three at the end of the sec. 3. definition of "The Court" the following new (Interpreparagraph:-
 - (3) in the case of any proceeding to which section 93A of this Act applies the registrar or any deputy registrar.
- (b) by omitting section 93A and by inserting in lieu Subst. thereof the following section:-

93A. Where questions in any suit have been Decrees in remitted for trial pursuant to section 133A of certain the District Courts Act, 1912, as amended by subsequent Acts, the power, authority and jurisdiction in or in respect of such suit (including power, authority and jurisdiction in matters of costs, custody and access) which, but for this section, would be exercisable by the Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar.

pronounced by registrar.

3. The Matrimonial Causes Act 1899, as amended by Further subsequent Acts, is further amended by inserting next of Act No. after section 93A the following new section:—

New sec. 93B.

93B. (1) Notwithstanding anything contained in Registrar to section 93A of this Act, where in any matter coming refer certain matters to Judge.

before

before the registrar or any deputy registrar after the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him—

- (a) that any respondent party is desirous of being let in to defend the suit;
- (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged or that the petition is presented or prosecuted in collusion with a respondent might be made;
- (c) that there is ground on which a decree might not be pronounced or the petition might be dismissed pursuant to section nineteen or subsection one of section twenty of this Act;
- (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
- (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree *nisi*, is sought by any party,

the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.

(2) The power to make general rules conferred by subsection one of section ninety-one of this Act shall, without limiting the generality thereof, extend to include power to make general rules for the purpose of carrying out or giving effect to the provisions of this section and of section 93A of this Act.

Removal of doubts and validation. 4. (1) No remission of questions of fact arising in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, for trial by a judge of a District Court

Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted immediately before the commencement of this Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.

- (2) All proceedings had in the matrimonial causes jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes Act 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and be deemed always to have been as valid as if this Act. other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the decree or order, or the date of the subsequent proceeding, as the case may be.
- (3) No marriage celebrated in New South Wales on or after the thirteenth day of February, one thousand nine hundred and fifty, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the marriage was celebrated after the making in divorce proceedings of a decree absolute which might, but for this Act, have been invalid.

In the name and on behalf of His Majesty I assent to this Act.

K. W. STREET, Lieutenant-Governor.

Government House, Sydney, 10th December, 1951.

Court made on or after the tiniteenth day of Februiry, one thousand nine hundred and fifty, and hefore incommencement of this helt correspont to section 1351 tax enacted inninediately tefore the commencement of this Arts of the District Courts Act, 1912, as an ended by an amount helt be or or descend ever to have been intend by reason out of some out not all of the measure of leaf analysis of the suit having been so remitted.

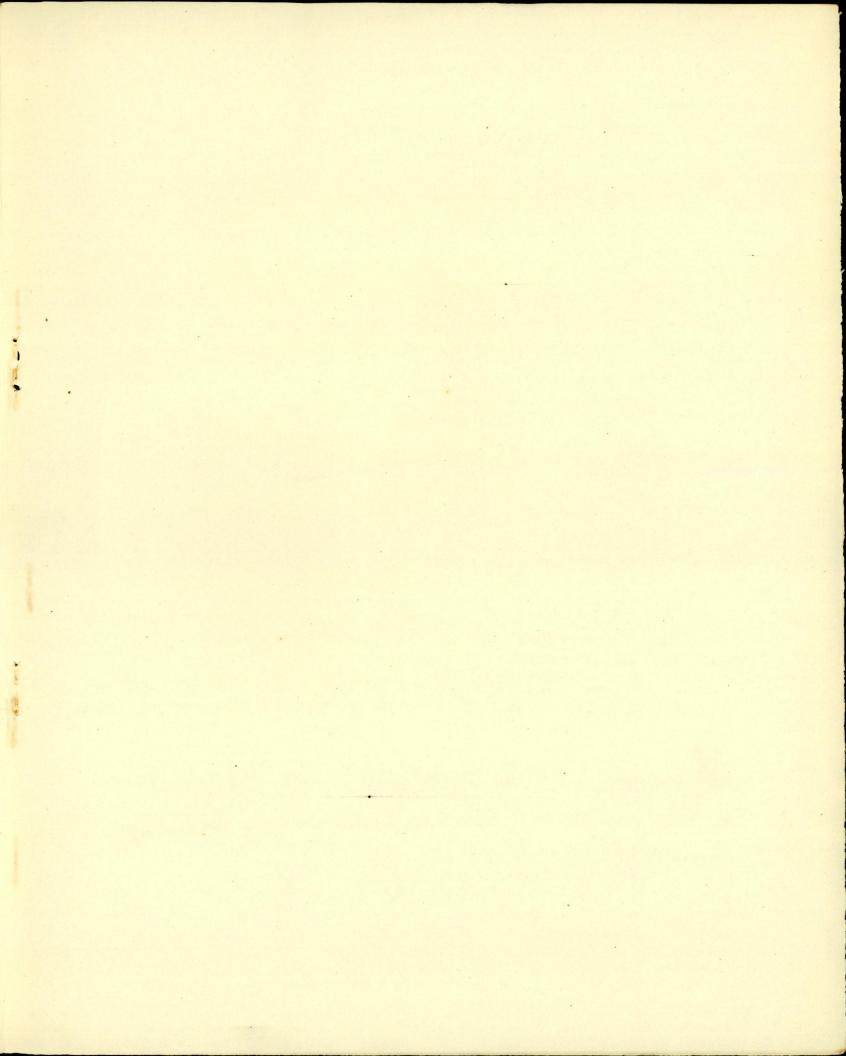
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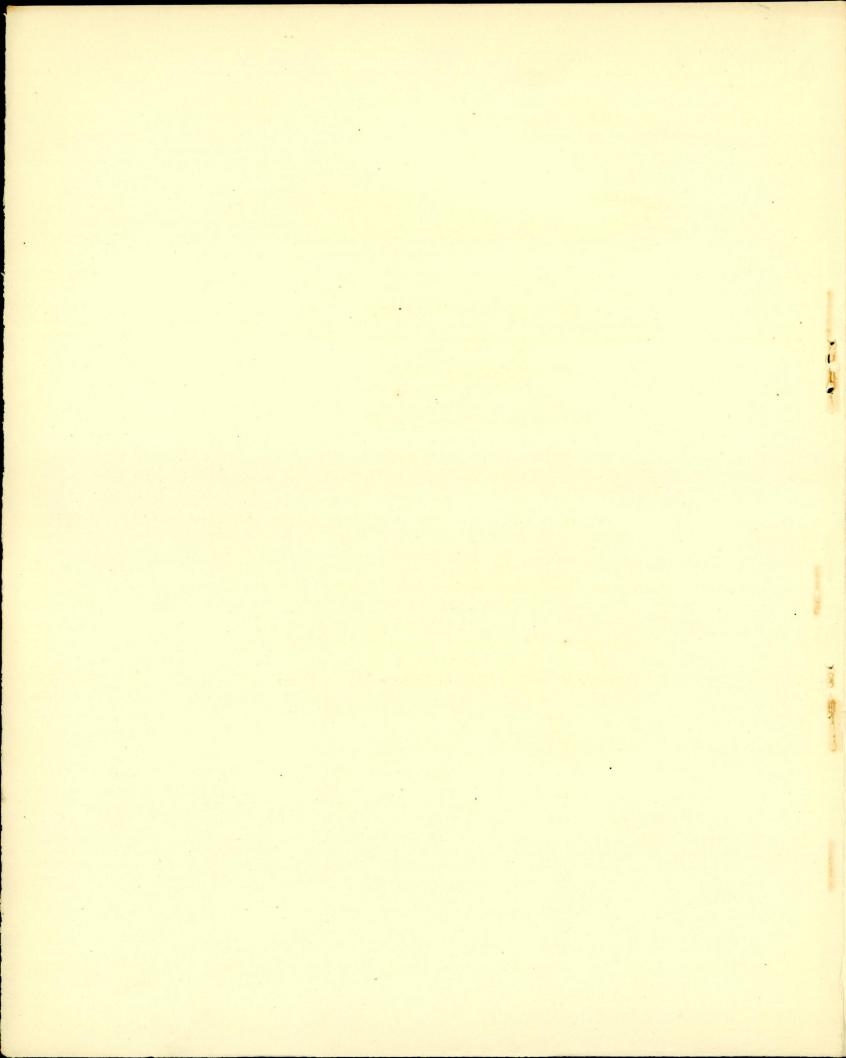
(3) No marriage celebrated in New South violes on or after the University day of Sabraary one thousand music mandred and fifty shall be desired or reclaim invalid or be deemed ever to have been invalid to reason one; of the fact has the marriage was sampled after the matriage of a reserve absolute which matriage in director are the been countil

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MATRIMONIAL CAUSES (AMENDMENT) BILL.

Schedule showing amendment referred to in Legislative Council's Message of 27th November, 1951.

Page 5, clause 4. After line 24 add new subclause as follows:-

"(3) No marriage celebrated in New South Wales on or after the thirteenth day of February, one thousand nine hundred and fifty, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the marriage was celebrated after the making in divorce proceedings of a decree absolute which might, but for this Act, have been invalid."

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This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

H. ROBBINS, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 20 November, 1951.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

W. K. CHARLTON,

Clerk of the Parliaments.

Legislative Council Chamber, Sydney, 27th November, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith.

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E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:

1. (1) This Act may be cited as the "Matrimonial short title Causes (Amendment) Act, 1951."

citation.

- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the 10 Matrimonial Causes Act, 1899-1951.
 - (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.
- 2. (1) The District Courts Act, 1912, as amended by Amendment 15 subsequent Acts, is amended—

23, 1912.

(a) by omitting from section one hundred and thirty- sec. 132. two the words "of fact";

(Issues of fact remitted to District Court for trial.)

(b) (i) by omitting subsection one of section 133.4 Sec. 1884. and by inserting in lieu thereof the following (Questions of fact in subsection:-

matrimonial

(1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where-

(a) no appearance has been entered:

(b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland;

(c) it does not appear on the record that the petitioner has committed adultery,

shall, unless it appears that there is sufficient cause to the contrary, be remitted by

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words—

Any such endorsement may be amended, varied or revoked by such registrar or other officer;

- (iii) by omitting paragraph (c) of subsection six of the same section.
- (2) The Matrimonial Causes Act 1899, as amended Amendment 10 by subsequent Acts, is amended—

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(a) by inserting in section three at the end of the sec. 3. definition of "The Court" the following new (Interpretation.) paragraph:-

(3) in the case of any proceeding to which section 93A of this Act applies the registrar or any deputy registrar.

(b) by omitting section 93A and by inserting in lieu Subst. thereof the following section:—

93A. Where questions in any suit have been Decrees in 20 remitted for trial pursuant to section 133A of certain the District Courts Act, 1912, as amended by pronounced subsequent Acts, the power, authority and juris- by registrar. diction in or in respect of such suit (including power, authority and jurisdiction in matters of 25 costs, custody and access) which, but for this section, would be exercisable by the Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having 30 co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar.

3. The Matrimonial Causes Act 1899, as amended by Further amended by inserting next of Act No. 35 after section 93A the following new section:

93B. (1) Notwithstanding anything contained in Registrar to refer certain section 93a of this Act, where in any matter coming matters to Judge.

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Matrimonial Causes (Amendment).

before the registrar or any deputy registrar after the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him—

- (a) that any respondent party is desirous of being let in to defend the suit;
- (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged or that the petition is presented or prosecuted in collusion with a respondent might be made;
- (c) that there is ground on which a decree might not be pronounced or the petition might be dismissed pursuant to section nineteen or subsection one of section twenty of this Act;
- (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
- (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree *nisi*, is sought by any party,

the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.

- (2) The power to make general rules conferred by subsection one of section ninety-one of this Act shall, without limiting the generality thereof, extend to include power to make general rules for the purpose of carrying out or giving effect to the provisions of this section and of section 93A of this Act.
- 35 4. (1) No remission of questions of fact arising in any Removal of suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, for trial by a judge of a District Court

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Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted immediately before the commencement of this Act) of the District Courts Act, 1912, as amended by

- 5 Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.
- (2) All proceedings had in the matrimonial causes 10 jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes
- 15 Act 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and
- 20 be deemed always to have been as valid as if this Act, other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the decree or order, or the date of the subsequent proceeding, as the case may be.
- 25 (3) No marriage celebrated in New South Wales on or after the thirteenth day of February, one thousand nine hundred and fifty, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the marriage was celebrated after the making in divorce 30 proceedings of a decree absolute which might, but for this Act, have been invalid.

Court made on or after the thir beauth day of February, one thousand nine hundred and dirty, and before the commencement of this Act. sursuant to section 1834 (as easy to Limmodately before the commencement of this 5 Act) of the District Courts Act, 1912, as amended by subsequent Act, shall be or be decided ever to have been

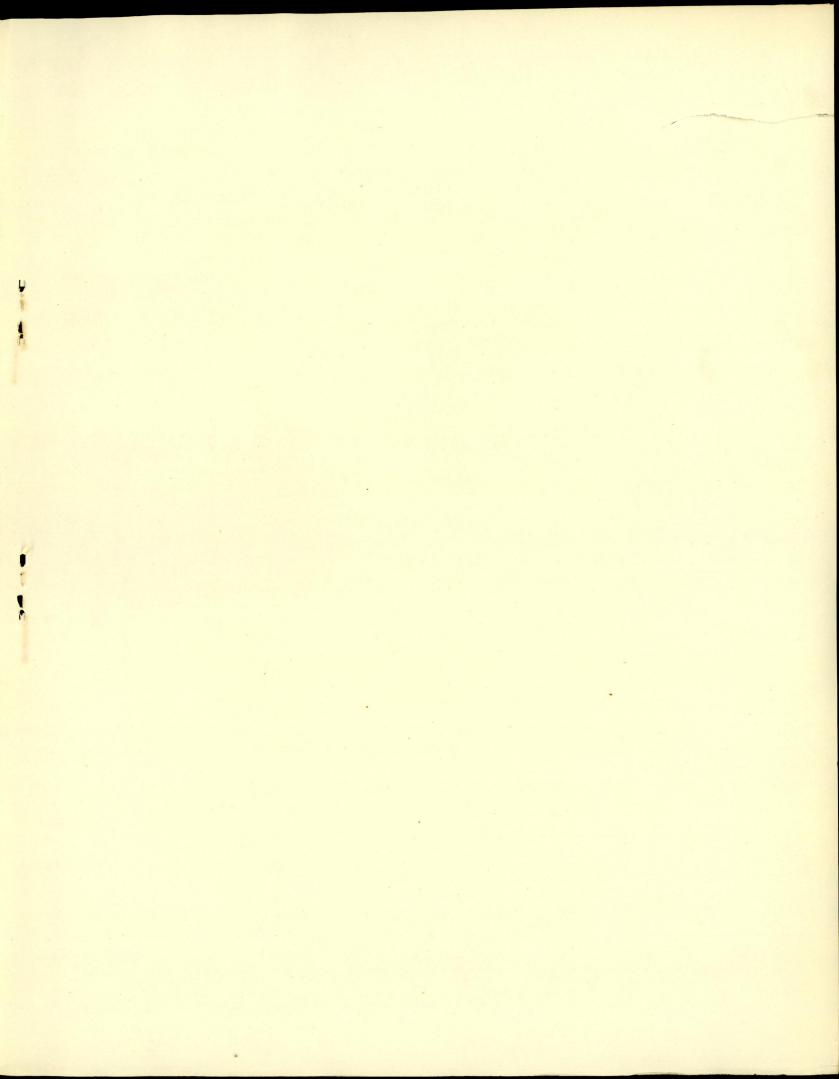
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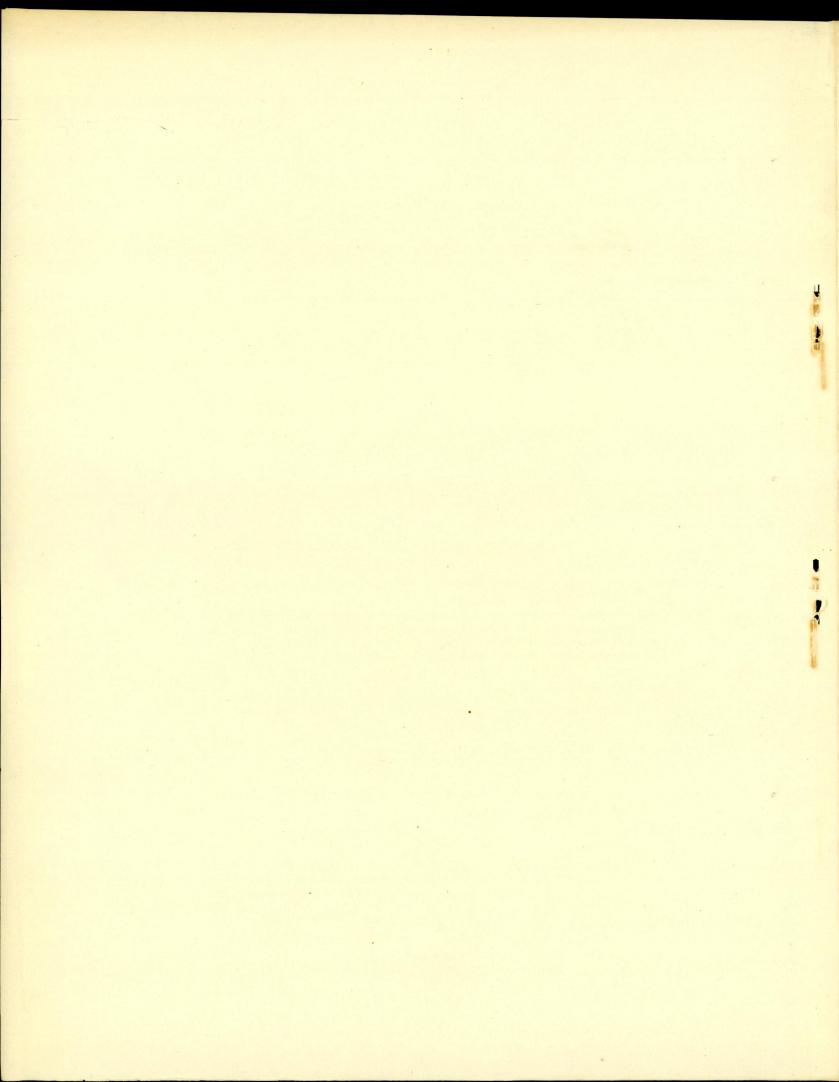
(2)(All proceedings had in the matrimonial causes
(0) brindiction of the Supreme Court on or after the
forteenth day of hebruary, one thousand nine hundred
and fifty, and before the commencement of this Act
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the commencement of this Act) of the Matrimonial Causes

15 Aut 1899, as amended by subsequent Acts, all decrees and decrees and decrees and all processed by the period aloresaid by the registrar or any deputy registrar present to that section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and

- 20 he deemed where to have been as valid as if this Net, ther than section three, and been in force at the date of the respective, the date of processing or making the dates or order or the date of the schement preceding, as the care may be
- 25 (3) No marriage celchasted in New South Wales on or after the thirteenth day of February, one thousand nine hundred and hity, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the matriage was celebrated after the making in divorce

30 proceedings of a dec





This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

H. ROBBINS, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 20 November, 1951.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Clerk of the Parliaments.

Legislative Council Chamber, Sydney, November, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith.

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BE

DE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. (1) This Act may be cited as the "Matrimonial short title Causes (Amendment) Act, 1951."

and citation.

- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the 10 Matrimonial Causes Act, 1899-1951.
 - (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.
- 2. (1) The District Courts Act, 1912, as amended by Amendment 15 subsequent Acts, is amended—

23, 1912.

(a) by omitting from section one hundred and thirty- Sec. 182. two the words "of fact";

(Issues of fact remitted to District

(b) (i) by omitting subsection one of section 133A Sec. 138A. and by inserting in lieu thereof the following of fact in subsection:

undefended matrimonial

(1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where—

(a) no appearance has been entered:

(b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland; and

(c) it does not appear on the record that the petitioner has committed adultery,

shall, unless it appears that there is sufficient cause to the contrary, be remitted by

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words-

Any such endorsement may be amended, varied or revoked by such registrar or other officer;

- (iii) by omitting paragraph (c) of subsection six of the same section.
- (2) The Matrimonial Causes Act 1899, as amended Amendment by subsequent Acts, is amended—

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14, 1899.

- (a) by inserting in section three at the end of the sec. 3. definition of "The Court" the following new (Interpre-
- (3) in the case of any proceeding to which section 93A of this Act applies the registrar or any deputy registrar.
 - (b) by omitting section 93A and by inserting in lieu Subst. thereof the following section:-
- 93A. Where questions in any suit have been Decrees in 20 remitted for trial pursuant to section 133A of the District Courts Act, 1912, as amended by subsequent Acts, the power, authority and jurisdiction in or in respect of such suit (including power, authority and jurisdiction in matters of 25 costs, custody and access) which, but for this section, would be exercisable by the Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having 30 co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar.

3. The Matrimonial Causes Act 1899, as amended by Further subsequent Acts, is further amended by inserting next of A 35 after section 93A the following new section:

New sec.

93B. (1) Notwithstanding anything contained in Registrar to section 93A of this Act, where in any matter coming

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before the registrar or any deputy registrar after the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him—

- (a) that any respondent party is desirous of being let in to defend the suit;
 - (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged or that the petition is presented or prosecuted in collusion with a respondent might be made;
 - (c) that there is ground on which a decree might not be pronounced or the petition might be dismissed pursuant to section nineteen or subsection one of section twenty of this Act;
 - (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
- (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree nisi, is sought by any party,

the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.

- (2) The power to make general rules conferred by subsection one of section ninety-one of this Act shall, without limiting the generality thereof, extend to include power to make general rules for the purpose of carrying out or giving effect to the provisions of this section and of section 93A of this Act.
- 4. (1) No remission of questions of fact arising in any Removal of 35 suit under the Matrimonial Causes Act 1899, as amended doubts and by subsequent Acts, for trial by a judge of a District

Court

Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted immediately before the commencement of this 5 Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.

- (2) All proceedings had in the matrimonial causes 10 jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes
- 15 Act 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and
- 20 be deemed always to have been as valid as if this Act, other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the decree or order, or the date of the subsequent proceeding, as the case may be.
- 25 (3) No marriage celebrated in New South Wales on or after the thirteenth day of February, one thousand nine hundred and fifty, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the marriage was celebrated after the making in divorce proceedings of a decree absolute which might, but for this Act, have been invalid.

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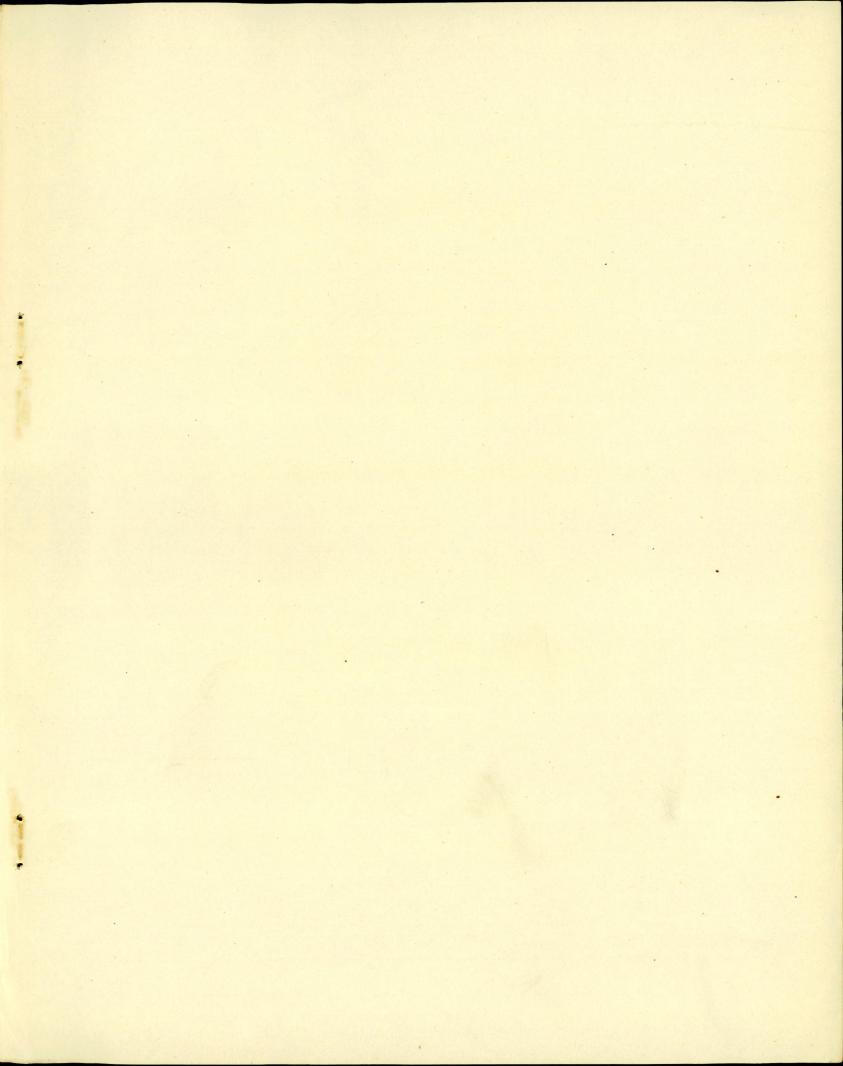
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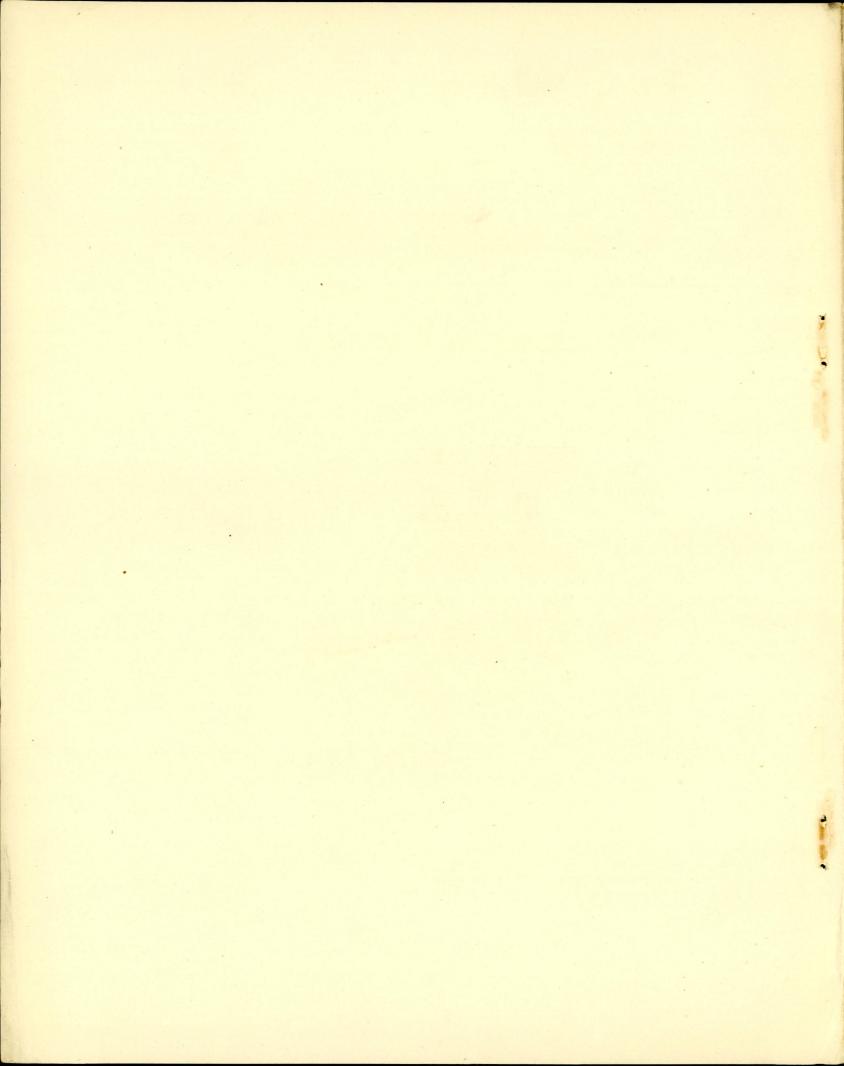
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25 (3) No marriage celebrated in New South Wales on or after the thirteenth day of February, one thousand nine hundred and fifty, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the marriage was celebrated after the making in divorce that the marriage was celebrated after the making in divorce that the marriage of a decree absolute which might but for this Act, have been invalid.

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This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

H. ROBBINS, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 20 November, 1951.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with an Amendment.

Clerk of the Parliaments.

Legislative Council Chamber, Sydney, November, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith.

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BE

DE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. (1) This Act may be cited as the "Matrimonial short title Causes (Amendment) Act, 1951."

citation.

- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the 10 Matrimonial Causes Act, 1899-1951.
 - (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.
- 2. (1) The District Courts Act, 1912, as amended by Amendment 15 subsequent Acts, is amended—

of Act No. 23, 1912.

(a) by omitting from section one hundred and thirty- Sec. 132. two the words "of fact";

(Issues of fact remitted to District

(b) (i) by omitting subsection one of section 133.A Sec. 188A. and by inserting in lieu thereof the following of fact in subsection:-

undefended matrimonial cases.)

- (1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where-
 - (a) no appearance has been entered;
 - (b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland; and
 - (c) it does not appear on the record that the petitioner has committed adultery.

shall, unless it appears that there is sufficient cause to the contrary, be remitted by

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words-

Any such endorsement may be amended, varied or revoked by such registrar or other officer:

- (iii) by omitting paragraph (c) of subsection six of the same section.
- (2) The Matrimonial Causes Act 1899, as amended Amendment. by subsequent Acts, is amended—

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14, 1899.

(a) by inserting in section three at the end of the sec. 3. definition of "The Court" the following new

(Interpre-

- (3) in the case of any proceeding to which 15 section 93A of this Act applies the registrar or any deputy registrar.
 - (b) by omitting section 93A and by inserting in lieu Subst. thereof the following section:

93A. Where questions in any suit have been Decrees in 20 remitted for trial pursuant to section 133A of certain the District Courts Act, 1912, as amended by subsequent Acts, the power, authority and jurisdiction in or in respect of such suit (including power, authority and jurisdiction in matters of 25 costs, custody and access) which, but for this section, would be exercisable by the Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having 30 co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar.

by registrar.

3. The Matrimonial Causes Act 1899, as amended by Further subsequent Acts, is further amended by inserting next amendment of Act No. 35 after section 93A the following new section:

New sec.

93B. (1) Notwithstanding anything contained in Registrar to section 93A of this Act, where in any matter coming refer certain matters to

before

before the registrar or any deputy registrar after the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him—

- (a) that any respondent party is desirous of being let in to defend the suit;
- (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged or that the petition is presented or prosecuted in collusion with a respondent might be made;
- (c) that there is ground on which a decree might not be pronounced or the petition might be dismissed pursuant to section nineteen or subsection one of section twenty of this Act;
- (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
- (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree nisi, is sought by any party.

the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.

- (2) The power to make general rules conferred by subsection one of section ninety-one of this 30 Act shall, without limiting the generality thereof. extend to include power to make general rules for the purpose of carrying out or giving effect to the provisions of this section and of section 93A of this Act.
- 4. (1) No remission of questions of fact arising in any Removal of suit under the Matrimonial Causes Act 1899, as amended doubts and by subsequent Acts, for trial by a judge of a District Court

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Matrimonial Causes (Amendment).

Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted immediately before the commencement of this 5 Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.

- (2) All proceedings had in the matrimonial causes 10 jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes
- 15 Act 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and
- 20 be deemed always to have been as valid as if this Act, other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the decree or order, or the date of the subsequent proceeding, as the case may be.
- 25 (3) No marriage celebrated in New South Wales on or after the thirteenth day of February, one thousand nine hundred and fifty, shall be deemed or declared invalid or be deemed ever to have been invalid by reason only of the fact that the marriage was celebrated after the making in divorce 30 proceedings of a decree absolute which might, but for this Act, have been invalid.

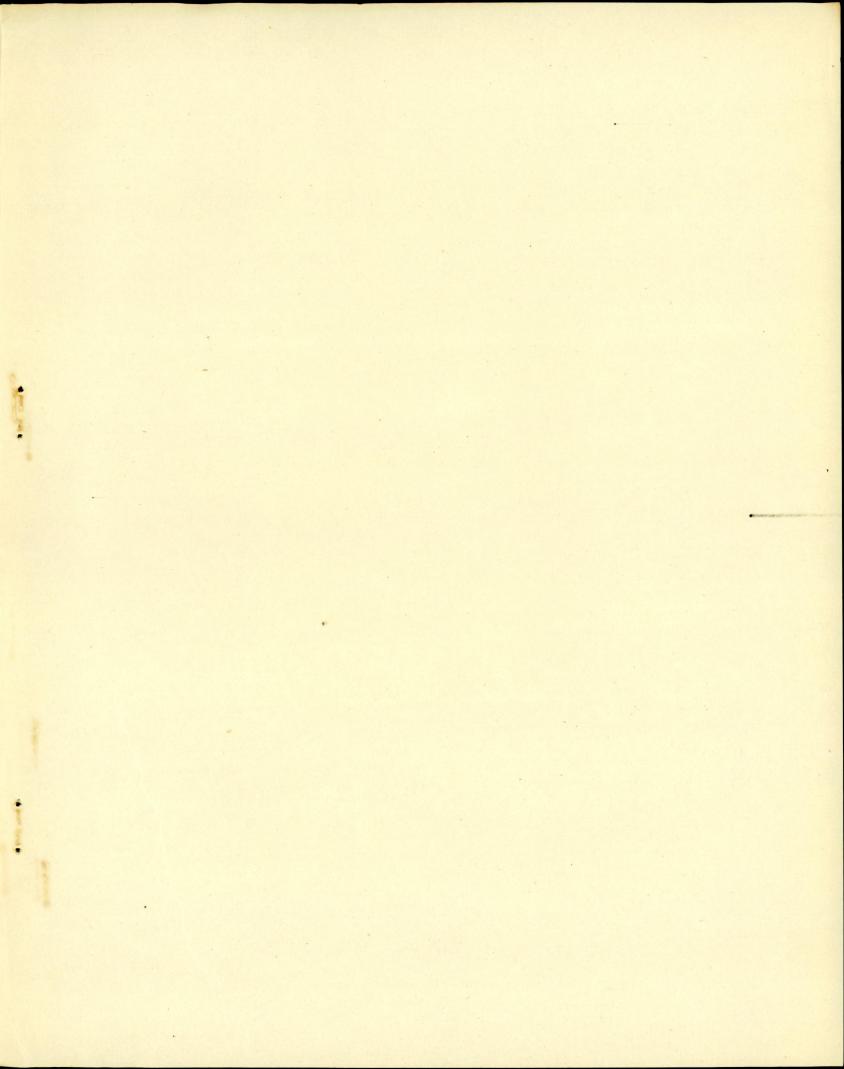
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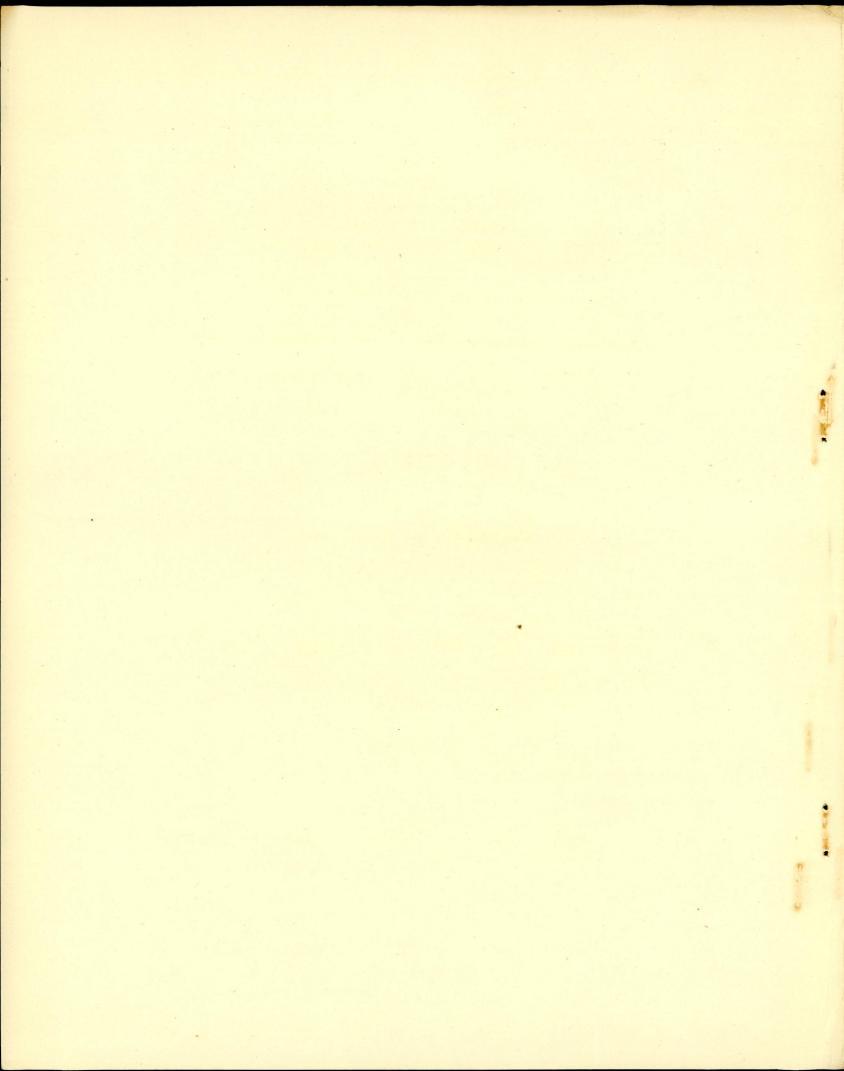
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This Public Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

H. ROBBINS, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 20 November, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith.

BE

E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. (1) This Act may be cited as the "Matrimonial short title Causes (Amendment) Act, 1951."

citation.

- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the 10 Matrimonial Causes Act, 1899-1951.
 - (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.
- 2. (1) The District Courts Act, 1912, as amended by Amendment 15 subsequent Acts, is amended—

23, 1912.

(a) by omitting from section one hundred and thirty- sec. 182. two the words "of fact";

(Issues of fact remitted to District Court for trial.)

(b) (i) by omitting subsection one of section 133. Sec. 1884. and by inserting in lieu thereof the following (Questions of fact in subsection:-

matrimonial

(1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where—

(a) no appearance has been entered;

(b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland; and

(c) it does not appear on the record that the petitioner has committed adultery,

shall, unless it appears that there is sufficient cause to the contrary, be remitted by

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words-

Any such endorsement may be amended, varied or revoked by such registrar or other

- (iii) by omitting paragraph (c) of subsection six of the same section.
- (2) The Matrimonial Causes Act 1899, as amended Amendment. by subsequent Acts, is amended—

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of Act No. 14, 1899.

(a) by inserting in section three at the end of the sec. 3. definition of "The Court" the following new (Interpreparagraph:

tation.)

- (3) in the case of any proceeding to which 15 section 93A of this Act applies the registrar or any deputy registrar.
 - (b) by omitting section 93A and by inserting in lieu Subst. thereof the following section:

sec. 93A.

93A. Where questions in any suit have been Decrees in 20 remitted for trial pursuant to section 133A of certain the District Courts Act, 1912, as amended by pronounced subsequent Acts, the power, authority and juris- by registrar. diction in or in respect of such suit (including power, authority and jurisdiction in matters of 25 costs, custody and access) which, but for this section, would be exercisable by the Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having 30 co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar.

3. The Matrimonial Causes Act 1899, as amended by Further amendment subsequent Acts, is further amended by inserting next of Act No. 35 after section 93A the following new section:

New sec.

93B. (1) Notwithstanding anything contained in Registrar to section 93A of this Act, where in any matter coming matters to Judge.

before

before the registrar or any deputy registrar after the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him—

- (a) that any respondent party is desirous of being let in to defend the suit;
 - (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged or that the petition is presented or prosecuted in collusion with a respondent might be made;
 - (c) that there is ground on which a decree might not be pronounced or the petition might be dismissed pursuant to section nineteen or subsection one of section twenty of this Act;
 - (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
 - (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree nisi, is sought by any party,

the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.

- (2) The power to make general rules conferred by subsection one of section ninety-one of this Act shall, without limiting the generality thereof, extend to include power to make general rules for the purpose of carrying out or giving effect to the provisions of this section and of section 93A of this Act.
- 35 4. (1) No remission of questions of fact arising in any Removal of suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, for trial by a judge of a District Court

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Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted immediately before the commencement of this Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.

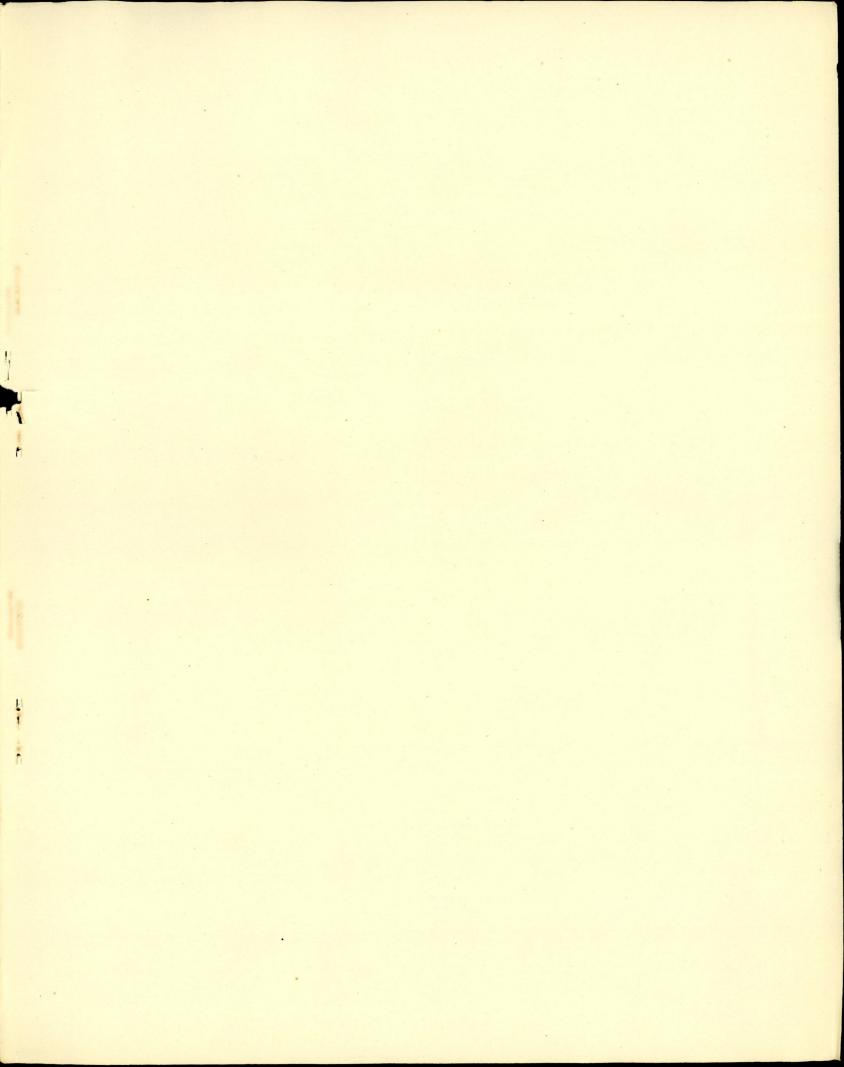
- (2) All proceedings had in the matrimonial causes 10 jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes
- 15 Act 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and
- 20 be deemed always to have been as valid as if this Act, other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the decree or order, or the date of the subsequent proceeding, as the case may be.

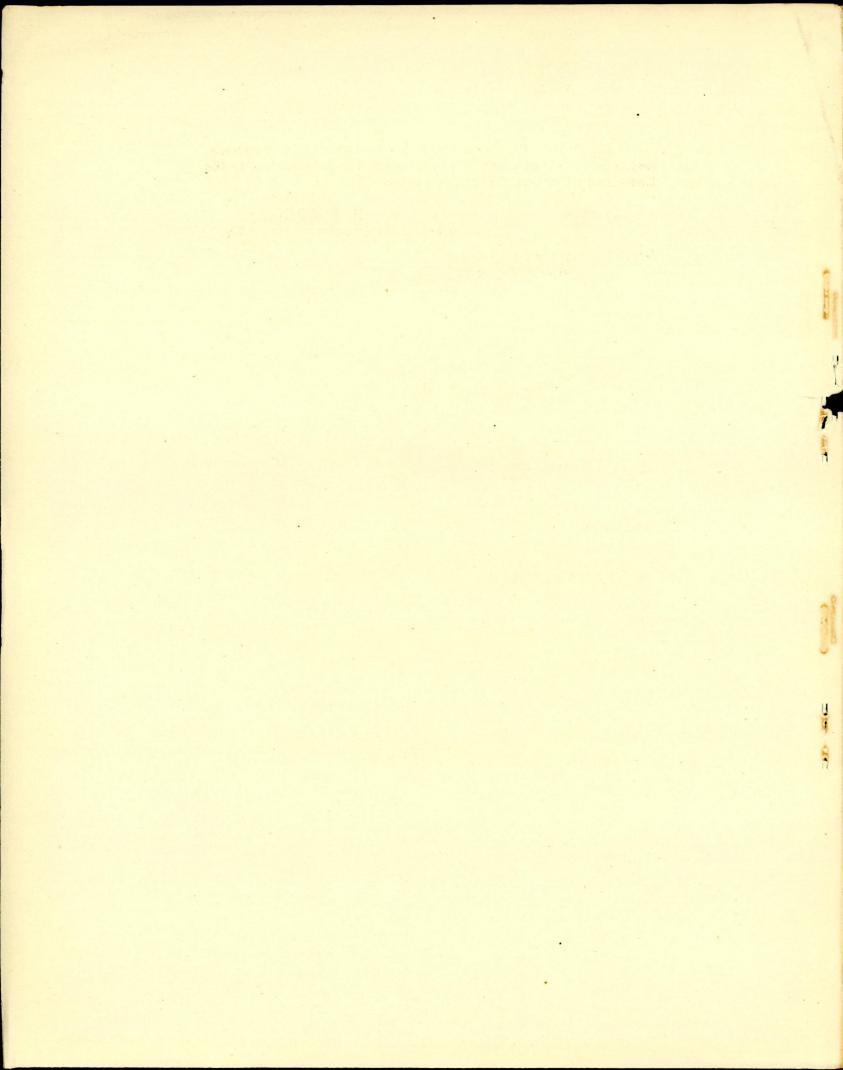
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A BILL

To amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith.

[Mr. C. E. Martin:—1 November, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. (1) This Act may be cited as the "Matrimonial short title Causes (Amendment) Act, 1951."

citation.

- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the 10 Matrimonial Causes Act, 1899-1951.
 - (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.
- 2. (1) The District Courts Act, 1912, as amended by Amendment 15 subsequent Acts, is amended—

23, 1912.

(a) by omitting from section one hundred and thirty- Sec. 132. two the words "of fact";

(Issues of fact remitted to District Court for trial.)

(b) (i) by omitting subsection one of section 133A Sec. 188A. and by inserting in lieu thereof the following of fact in undefended subsection:-

matrimonial

- (1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where-
 - (a) no appearance has been entered;
 - (b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland; and

(c) it does not appear on the record that the petitioner has committed adultery,

shall, unless it appears that there is sufficient cause to the contrary, be remitted by the

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words—

Any such endorsement may be amended, varied or revoked by such registrar or other officer:

- (iii) by omitting paragraph (c) of subsection six of the same section.
- (2) The Matrimonial Causes Act 1899, as amended Amendment by subsequent Acts, is amended—

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14, 1899. (a) by inserting in section three at the end of the Sec. 3. definition of "The Court" the following new (Interpreparagraph:-

tation.)

- (3) in the case of any proceeding to which 15 section 93A of this Act applies the registrar or any deputy registrar.
 - (b) by omitting section 93A and by inserting in lieu Subst. thereof the following section:

93a. Where questions in any suit have been Decrees in 20 remitted for trial pursuant to section 133A of certain the District Courts Act, 1912, as amended by subsequent Acts, the power, authority and juris- by registrar, diction in or in respect of such suit which, but for this section, would be exercisable by the 25 Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar. 30

3. The Matrimonial Causes Act 1899, as amended by Further subsequent Acts, is further amended by inserting next amendment of Act No.

after section 934 the following new section:

14, 1899. after section 93A the following new section:-

93B. (1) Notwithstanding anything contained in Registrar to section 93A of this Act, where in any matter coming refer certain matters to 35 before the registrar or any deputy registrar after Judge.

the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him—

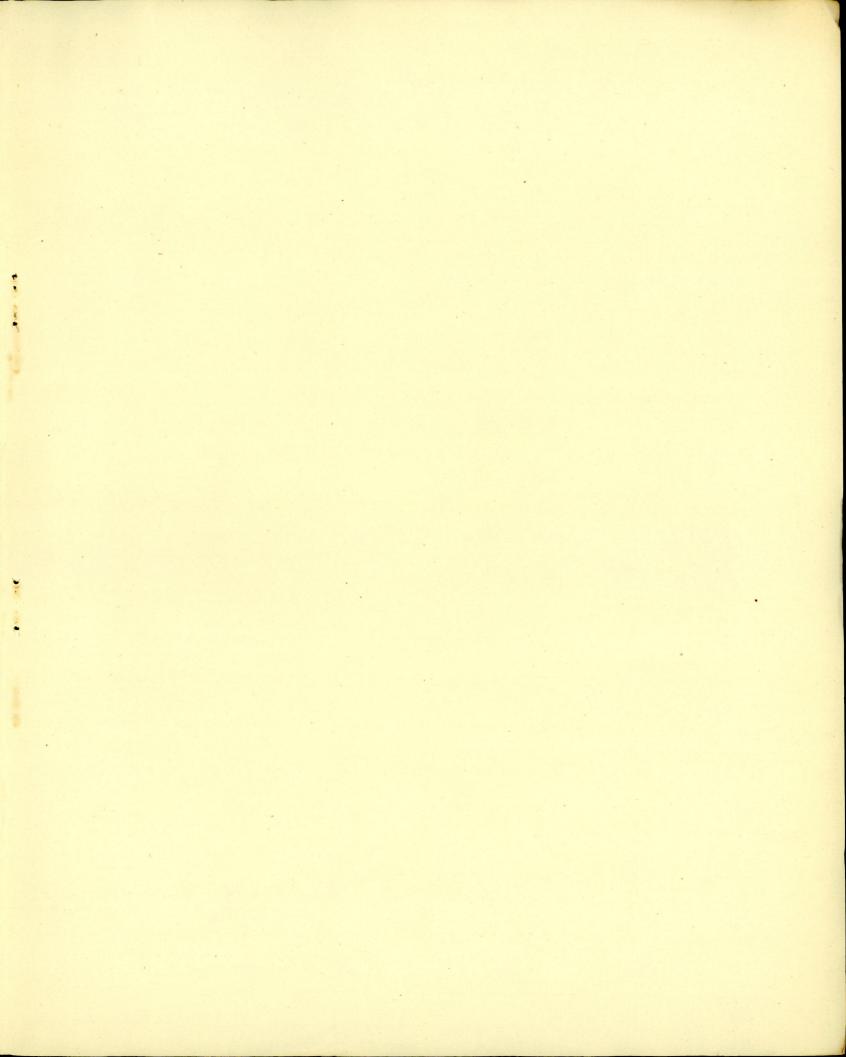
- (a) that any respondent party is desirous of being let in to defend the suit;
- (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged might be made;
- 10 (c) that there is ground on which the petition might be dismissed or a decree might not be pronounced pursuant to section eighteen or section nineteen of this Act;

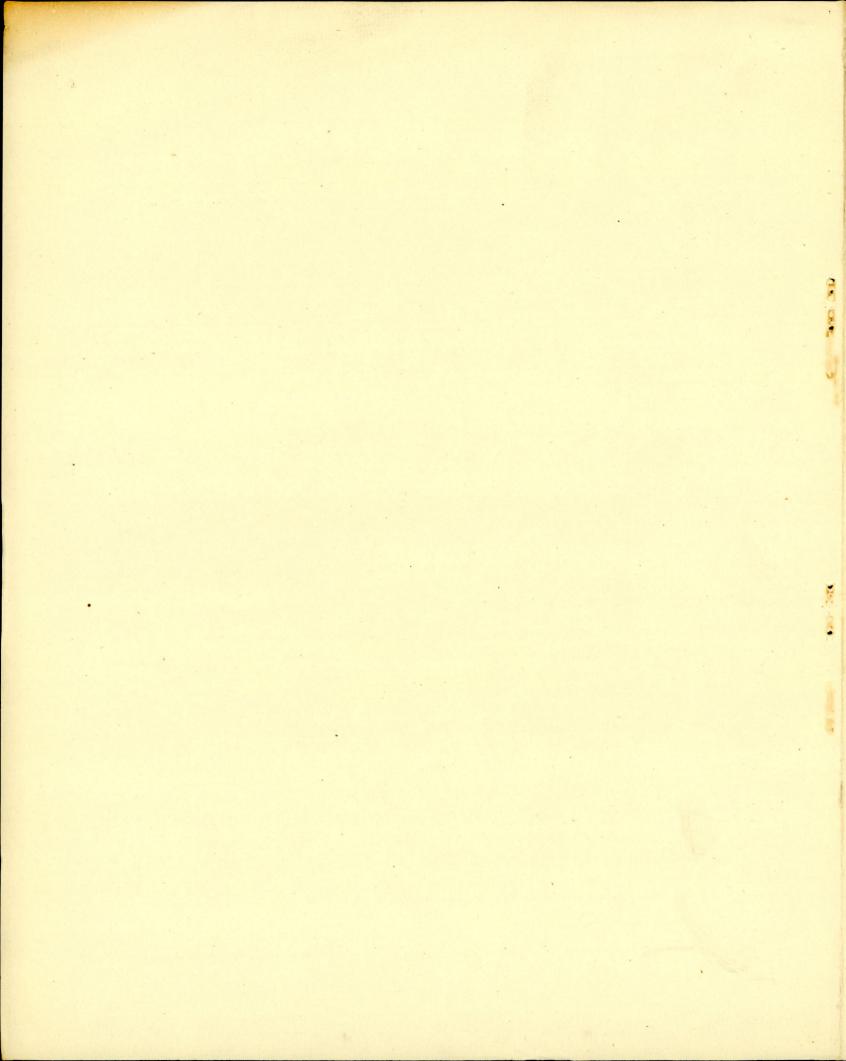
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- (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
- (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree nisi, is sought by any party,
- 20 the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.
- (2) The power to make general rules con-25 ferred by subsection one of section ninety-one of this Act shall, without limiting the generality thereof, extend to include power to make general rules for the purpose of carrying out or giving effect to the 30 provisions of this section and of section 93A of this Act.
- 4. (1) No remission of questions of fact arising in any Removal of suit under the Matrimonial Causes Act 1899, as amended doubts and by subsequent Acts, for trial by a judge of a District 35 Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted

enacted immediately before the commencement of this Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.

(2) All proceedings had in the matrimonial causes jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act 10 pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes Act 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that 15 section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and be deemed always to have been as valid as if this Act, other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the 20 decree or order, or the date of the subsequent proceeding. as the case may be.





MATRIMONIAL CAUSES (AMENDMENT) BILL, 1951.

EXPLANATORY NOTE.

THE objects of this Bill are-

- (1) to remove doubts as to the validity-
 - (a) of remissions, pursuant to section 133A of the District Courts Act, 1912-1949, for trial in District Courts, of questions arising in certain matrimonial suits;
 - (b) of proceedings before the registrar or a deputy registrar pursuant to section 93A of the Matrimonial Causes Act, 1899-1949, and of decrees and orders made therein;
- (2) to amend the Matrimonial Causes Act, 1899-1949, and the District Courts Act, 1912-1949, to prevent such doubts from arising in the future.

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MATRIMONIAL CAUSES (AMENDMENT) BILL 1951

EXPLANATORY NOTE.

To objects of this Bill ----

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(2) of decolarities, pursuant to section 155% or the liberal Courts Ago

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No. , 1951.

A BILL

To amend the Matrimonial Causes Act 1899, the District Courts Act, 1912, and certain other Acts in certain respects; to remove doubts as to the validity of certain proceedings in the matrimonial causes jurisdiction of the Supreme Court and of certain decrees and orders pronounced and made by the said Court; to validate certain matters; and for purposes connected therewith.

[Mr. Martin:—1 November, 1951.]

E it enacted by the King's Most Excellent Majesty, B by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of 5 the same, as follows:—

1. (1) This Act may be cited as the "Matrimonial short title Causes (Amendment) Act, 1951."

citation.

- (2) The Matrimonial Causes Act 1899, as amended by subsequent Acts and by this Act, may be cited as the 10 Matrimonial Causes Act, 1899-1951.
 - (3) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Acts, 1912-1951.
- 2. (1) The District Courts Act, 1912, as amended by Amendment 15 subsequent Acts, is amended—

23, 1912.

(a) by omitting from section one hundred and thirty- Sec. 132. two the words "of fact";

(Issues of fact remitted to District

(b) (i) by omitting subsection one of section 133A Sec. 133A. and by inserting in lieu thereof the following (Questions of fact in subsection:

undefended matrimonial cases.)

(1) The questions reduced into writing upon settlement of the issues in any suit under the Matrimonial Causes Act 1899, as amended by subsequent Acts, where-

(a) no appearance has been entered;

(b) the registered office of the solicitor for the petitioner is situated outside the County of Cumberland; and

(c) it does not appear on the record that the petitioner has committed adultery,

shall, unless it appears that there is sufficient cause to the contrary, be remitted by

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the Supreme Court to be tried by a judge of a District Court without a jury.

(ii) by inserting at the end of subsection three of the same section the words—

Any such endorsement may be amended, varied or revoked by such registrar or other officer;

- (iii) by omitting paragraph (c) of subsection six of the same section.
- (2) The Matrimonial Causes Act 1899, as amended Amendment of Act No. by subsequent Acts, is amended— 14, 1899.
 - (a) by inserting in section three at the end of the Sec. 3. definition of "The Court" the following new (Interpretation.) paragraph:-

(3) in the case of any proceeding to which 15 section 93A of this Act applies the registrar or any deputy registrar.

> (b) by omitting section 93A and by inserting in lieu Subst. sec. 93A. thereof the following section:

93A. Where questions in any suit have been Decrees in 20 remitted for trial pursuant to section 133A of certain the District Courts Act, 1912, as amended by subsequent Acts, the power, authority and jurisdiction in or in respect of such suit which, but for this section, would be exercisable by the 25 Judge appointed to exercise jurisdiction under this Act or by any Judge acting in his place or having co-ordinate jurisdiction with him, shall be exercisable by the registrar or any deputy registrar. 30

by registrar.

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3. The Matrimonial Causes Act 1899, as amended by Further subsequent Acts, is further amended by inserting next amendment of Act No. after section 93A the following new section:

93B. (1) Notwithstanding anything contained in Registrar to. section 93A of this Act, where in any matter coming refer certain matters to 35 before the registrar or any deputy registrar after

the commencement of the Matrimonial Causes (Amendment) Act, 1951, pursuant to section 93A of this Act, it appears to him-

- (a) that any respondent party is desirous of being let in to defend the suit;
- (b) that there is ground on which a finding that the petitioner has been an accessory to or has connived at or condoned the matrimonial offence alleged might be made;
- (c) that there is ground on which the petition 10 might be dismissed or a decree might not be pronounced pursuant to section eighteen or section nineteen of this Act;

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- (d) that the making of any order for costs, custody or access is opposed by any party to the suit appearing before him; or
- (e) that a special order under subsection two of section twenty-one upon the pronouncement of a decree nisi, is sought by any party,
- 20 the registrar or deputy registrar shall not deal with the matter but shall refer the same to the Judge appointed to exercise jurisdiction under this Act or to any Judge acting in his place or having co-ordinate jurisdiction with him.
- (2) The power to make general rules con-25 ferred by subsection one of section ninety-one of this Act shall, without limiting the generality thereof. extend to include power to make general rules for the purpose of carrying out or giving effect to the provisions of this section and of section 93A of this 30 Act.
- 4. (1) No remission of questions of fact arising in any Removal of suit under the Matrimonial Causes Act 1899, as amended doubts and by subsequent Acts, for trial by a judge of a District 35 Court made on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act, pursuant to section 133A (as enacted

enacted immediately before the commencement of this Act) of the District Courts Act, 1912, as amended by subsequent Acts, shall be or be deemed ever to have been invalid by reason only of some but not all of the questions of fact arising in the suit having been so remitted.

(2) All proceedings had in the matrimonial causes jurisdiction of the Supreme Court on or after the thirteenth day of February, one thousand nine hundred and fifty, and before the commencement of this Act 10 pursuant to section 93A (as enacted immediately before the commencement of this Act) of the Matrimonial Causes Act, 1899, as amended by subsequent Acts, all decrees and orders pronounced or made in the period aforesaid by the registrar or any deputy registrar pursuant to that 15 section and all proceedings subsequent to the pronouncement or making of any such decree or order shall be and be deemed always to have been as valid as if this Act. other than section three, had been in force at the date of the proceeding, the date of pronouncing or making the 20 decree or order, or the date of the subsequent proceeding, as the case may be.

