

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 March, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1961.

An Act to make further provisions with respect to the jurisdiction of District Courts, and the jurisdiction, relating to the recovery of small debts, of courts of petty sessions; for these and other purposes to amend the District Courts Act, 1912–1958, and the Small Debts Recovery Act, 1912–1957; and for purposes connected therewith.

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "District Courts and Small Debts Recovery (Amendment) Act, 1961." Short title and citation.

District Courts and Small Debts Recovery (Amendment).

(2) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1961.

(3) The Small Debts Recovery Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Small Debts Recovery Act, 1912-1961.

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

Amendment of Act No. 23, 1912.

10 (a) by omitting from section thirty-nine the words “in any case where the sum sued for does not exceed ten pounds” and by inserting in lieu thereof the following words :—

Sec. 39. (Fees to barristers and attorneys and expenses to witnesses.)

“in any case where—

15 (a) the sum sued for does not exceed ten pounds; or

20 (b) the sum sued for exceeds ten pounds but does not exceed fifty pounds and the action was commenced by the issue of a default summons—unless the defendant filed a notice of the grounds of defence together with an affidavit verifying it.

25 Paragraph (b) of this subsection shall not operate to preclude fees to barristers and attorneys being allowed in any case where the action referred to in that paragraph was commenced before the commencement of that paragraph”;

30 (b) by omitting from section sixty-four the word “hereinafter” and by inserting in lieu thereof the words “in this Act”;

Sec. 64. (Default summons.)

(c) (i) by omitting from subsection one of section ninety the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”;

Sec. 90. (When jury may be summoned to try action.)

(ii)

District Courts and Small Debts Recovery (Amendment).

- (ii) by omitting from subsection three of the same section the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
 - 5 (d) by omitting from section ninety-one the words "four pounds" and by inserting in lieu thereof the words "ten pounds".
3. (1) The District Courts Act, 1912, as amended by subsequent Acts, is further amended—
- 10 (a) by omitting from paragraph (a) of subsection one of section forty-one the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
 - 15 (b) by omitting from section forty-two the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
 - 20 (c) by omitting from section fifty-five the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds";
 - (d) by omitting from section fifty-seven the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
 - 25 (e) by omitting from section seventy-three the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds".
- (2) The amendments made by subsection one of this section shall not apply in respect of proceedings commenced 30 in a District Court on or after the twelfth day of July, one thousand nine hundred and fifty-five, and before the twelfth day of July, one thousand nine hundred and sixty-one.

Sec. 91.
(Party requiring jury to make deposit.)

Further amendment of Act No. 23, 1912.

Sec. 41.
(Ordinary jurisdiction of the courts.)

Sec. 42.
(In cases of partnership, intestacy, and legacy.)

Sec. 55.
(Splitting debt by giving bills, etc.)

Sec. 57.
(Infants.)

Sec. 73.
(Proceedings where defendant's set-off or cross action exceeds the plaintiff's claim.)

District Courts and Small Debts Recovery (Amendment).

4. (1) The Small Debts Recovery Act, 1912, as amended by subsequent Acts, is amended—

Amendment
of Act No.
33, 1912.

5 (a) by omitting from subsection two of section seven the words "fifty pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

Sec. 7.
(Amount.)

(b) by inserting next after the same subsection the following new subsection :—

10 (2A) (a) Notwithstanding the provisions of subsection two of this section, in any action under paragraph (a) or paragraph (c) of subsection one of this section where the amount claimed exceeds fifty pounds, the defendant, or any one of two or more defendants, may, within such time and in such manner as may be prescribed, give notice that he
15 objects to the action being heard and determined in a court of petty sessions, and where that notice is given, the court shall order that the action be transferred to the District Court for the district within which the said court of petty sessions is
20 situated.

(b) When an order is made under paragraph (a) of this subsection the registrar of the court of petty sessions in which the action was
25 commenced shall forthwith transmit by post the whole record thereof, including the order for transfer, to the District Court for which the action was ordered to be transferred.

(c) After an action has been transferred to a District Court under this subsection all proceedings
30 therein shall, subject to any rules of court made under the District Courts Act, 1912, as amended by subsequent Acts, be taken in that Court as if the action had been originally commenced therein.

35 (2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

No. , 1961.

A BILL

To make further provisions with respect to the jurisdiction of District Courts, and the jurisdiction, relating to the recovery of small debts, of courts of petty sessions; for these and other purposes to amend the District Courts Act, 1912-1958, and the Small Debts Recovery Act, 1912-1957; and for purposes connected therewith.

[MR. MANNIX;—9 March, 1961.]

BE it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "District Courts and Small Debts Recovery (Amendment) Act, 1961." Short title and citation.

District Courts and Small Debts Recovery (Amendment).

(2) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1961.

(3) The Small Debts Recovery Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Small Debts Recovery Act, 1912-1961.

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

Amendment of Act No. 23, 1912.

10 (a) by omitting from section thirty-nine the words “in any case where the sum sued for does not exceed ten pounds” and by inserting in lieu thereof the following words :—

Sec. 39. (Fees to barristers and attorneys and expenses to witnesses.)

“in any case where—

15 (a) the sum sued for does not exceed ten pounds; or

(b) the sum sued for exceeds ten pounds but does not exceed fifty pounds, the action was commenced by the issue of a default summons and the defendant filed a notice of the grounds of defence together with an affidavit verifying it—unless the action goes to trial before a judge sitting with or without a jury and judgment is given.

25 Paragraph (b) of this subsection shall not operate to preclude fees to barristers and attorneys being allowed in any case where the action referred to in that paragraph was commenced before the commencement of that paragraph”;

30 (b) by omitting from section sixty-four the word “hereinafter” and by inserting in lieu thereof the words “in this Act”;

Sec. 64. (Default summons.)

35 (c) (i) by omitting from subsection one of section ninety the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”;

Sec. 90. (When jury may be summoned to try action.)

(ii)

District Courts and Small Debts Recovery (Amendment).

- (ii) by omitting from subsection three of the same section the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- 5 (d) by omitting from section ninety-one the words "four pounds" and by inserting in lieu thereof the words "ten pounds".
- Sec. 91.
(Party requiring jury to make deposit.)
3. (1) The District Courts Act, 1912, as amended by subsequent Acts, is further amended—
- Further amendment of Act No. 23, 1912.
- 10 (a) by omitting from paragraph (a) of subsection one of section forty-one the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- Sec. 41.
(Ordinary jurisdiction of the courts.)
- 15 (b) by omitting from section forty-two the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- Sec. 42.
(In cases of partnership, intestacy, and legacy.)
- (c) by omitting from section fifty-five the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds";
- 20 Sec. 55.
(Splitting debt by giving bills, etc.)
- (d) by omitting from section fifty-seven the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- Sec. 57.
(Infants.)
- 25 (e) by omitting from section seventy-three the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds".
- Sec. 73.
(Proceedings where defendant's set-off or cross action exceeds the plaintiff's claim.)
- (2) The amendments made by subsection one of this section shall not apply in respect of proceedings commenced 30 in a District Court on or after the twelfth day of July, one thousand nine hundred and fifty-five, and before the twelfth day of July, one thousand nine hundred and sixty-one.

District Courts and Small Debts Recovery (Amendment).

4. (1) The Small Debts Recovery Act, 1912, as amended by subsequent Acts, is amended—

Amendment
of Act No.
33, 1912.

5 (a) by omitting from subsection two of section seven the words "fifty pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

Sec. 7.
(Amount.)

(b) by inserting next after the same subsection the following new subsection :—

10 (2A) (a) Notwithstanding the provisions of subsection two of this section, in any action under paragraph (a) or paragraph (c) of subsection one of this section where the amount claimed exceeds fifty pounds, the defendant, or any one of two or more defendants, may, within such time and in such manner as may be prescribed, give notice that he
15 objects to the action being heard and determined in a court of petty sessions, and where that notice is given, the court shall order that the action be transferred to the District Court for the district within which the said court of petty sessions is
20 situated.

(b) When an order is made under paragraph (a) of this subsection the registrar of the court of petty sessions in which the action was commenced shall forthwith transmit by post the
25 whole record thereof, including the order for transfer, to the District Court for which the action was ordered to be transferred.

(c) After an action has been transferred to a District Court under this subsection all proceedings therein shall, subject to any rules of court made
30 under the District Courts Act, 1912, as amended by subsequent Acts, be taken in that Court as if the action had been originally commenced therein.

(2) This section shall commence upon a day to be
35 appointed by the Governor and notified by proclamation published in the Gazette.

DISTRICT COURTS AND SMALL DEBTS RECOVERY (AMENDMENT) BILL, 1961.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to provide that no professional costs may be awarded where a defence is filed in an action in a District Court for £50 or less commenced by a default summons, unless the action goes to trial;
- (b) to increase from £20 to £50 the amount that must be in issue before a jury may be required or ordered in a District Court;
- (c) to increase from £4 to £10 the amount required to be deposited by a party requiring a jury in a District Court action;
- (d) to fix at £3,000 the maximum jurisdiction of District Courts in respect of actions commenced in those courts;
- (e) to increase the jurisdiction of stipendiary magistrates under the Small Debts Recovery Act, 1912, as amended by subsequent Acts, so that they may, subject to the defendant's right to object and have the matter dealt with in a District Court where the claim exceeds £50, deal with certain claims not exceeding £150;
- (f) to make other provisions ancillary to the foregoing.

DISTRICT COURT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE CLERK

21

No. , 1961.

A BILL

To make further provisions with respect to the jurisdiction of District Courts, and the jurisdiction, relating to the recovery of small debts, of courts of petty sessions; for these and other purposes to amend the District Courts Act, 1912-1958, and the Small Debts Recovery Act, 1912-1957; and for purposes connected therewith.

[MR. MANNIX;—9 March, 1961.]

BE it enacted by the Queen'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 :—

1. (1) This Act may be cited as the "District Courts and Small Debts Recovery (Amendment) Act, 1961." Short title and citation.

District Courts and Small Debts Recovery (Amendment).

(2) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1961.

(3) The Small Debts Recovery Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Small Debts Recovery Act, 1912-1961.

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

Amendment of Act No. 23, 1912.

10 (a) by omitting from section thirty-nine the words “in any case where the sum sued for does not exceed ten pounds” and by inserting in lieu thereof the following words :—

Sec. 39. (Fees to barristers and attorneys and expenses to witnesses.)

“in any case where—

15 (a) the sum sued for does not exceed ten pounds; or

(b) the sum sued for exceeds ten pounds but does not exceed fifty pounds, the action was commenced by the issue of a default summons and the defendant filed a notice of the grounds of defence together with an affidavit verifying it—unless the action goes to trial before a judge sitting with or without a jury and judgment is given.

25 Paragraph (b) of this subsection shall not operate to preclude fees to barristers and attorneys being allowed in any case where the action referred to in that paragraph was commenced before the commencement of that paragraph”;

30 (b) by omitting from section sixty-four the word “hereinafter” and by inserting in lieu thereof the words “in this Act”;

Sec. 64. (Default summons.)

35 (c) (i) by omitting from subsection one of section ninety the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”;

Sec. 90. (When jury may be summoned to try action.)

(ii)

District Courts and Small Debts Recovery (Amendment).

- (ii) by omitting from subsection three of the same section the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- 5 (d) by omitting from section ninety-one the words "four pounds" and by inserting in lieu thereof the words "ten pounds".
- Sec. 91.
(Party requiring jury to make deposit.)
3. (1) The District Courts Act, 1912, as amended by subsequent Acts, is further amended—
- Further amendment of Act No. 23, 1912.
- 10 (a) by omitting from paragraph (a) of subsection one of section forty-one the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- Sec. 41.
(Ordinary jurisdiction of the courts.)
- 15 (b) by omitting from section forty-two the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- Sec. 42.
(In cases of partnership, intestacy, and legacy.)
- (c) by omitting from section fifty-five the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds";
- 20 Sec. 55.
(Splitting debt by giving bills, etc.)
- (d) by omitting from section fifty-seven the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- Sec. 57.
(Infants.)
- 25 (e) by omitting from section seventy-three the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds".
- Sec. 73.
(Proceedings where defendant's set-off or cross action exceeds the plaintiff's claim.)
- (2) The amendments made by subsection one of this section shall not apply in respect of proceedings commenced in a District Court on or after the twelfth day of July, one thousand nine hundred and fifty-five, and before the twelfth day of July, one thousand nine hundred and sixty-one.

District Courts and Small Debts Recovery (Amendment).

4. (1) The Small Debts Recovery Act, 1912, as amended
by subsequent Acts, is amended—

Amendment
of Act No.
33, 1912.

5 (a) by omitting from subsection two of section seven the
words "fifty pounds" and by inserting in lieu thereof
the words "one hundred and fifty pounds";

Sec. 7.
(Amount.)

(b) by inserting next after the same subsection the
following new subsection :—

10 (2A) (a) Notwithstanding the provisions of
subsection two of this section, in any action under
paragraph (a) or paragraph (c) of subsection one
of this section where the amount claimed exceeds
fifty pounds, the defendant, or any one of two or
more defendants, may, within such time and in such
15 manner as may be prescribed, give notice that he
objects to the action being heard and determined in
a court of petty sessions, and where that notice is
given, the court shall order that the action be
transferred to the District Court for the district
within which the said court of petty sessions is
20 situated.

25 (b) When an order is made under
paragraph (a) of this subsection the registrar of the
court of petty sessions in which the action was
commenced shall forthwith transmit by post the
whole record thereof, including the order for
transfer, to the District Court for which the action
was ordered to be transferred.

30 (c) After an action has been transferred to
a District Court under this subsection all proceedings
therein shall, subject to any rules of court made
under the District Courts Act, 1912, as amended by
subsequent Acts, be taken in that Court as if the
action had been originally commenced therein.

(2) This section shall commence upon a day to be
35 appointed by the Governor and notified by proclamation
published in the Gazette.

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 18, 1961.

An Act to make further provisions with respect to the jurisdiction of District Courts, and the jurisdiction, relating to the recovery of small debts, of courts of petty sessions; for these and other purposes to amend the District Courts Act, 1912-1958, and the Small Debts Recovery Act, 1912-1957; and for purposes connected therewith. [Assented to, 27th March, 1961.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "District Courts and Small Debts Recovery (Amendment) Act, 1961."

Short title and citation.

40805

[4d.]

(2)

District Courts and Small Debts Recovery (Amendment).

(2) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1961.

(3) The Small Debts Recovery Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Small Debts Recovery Act, 1912-1961.

Amendment
of Act No.
23, 1912.

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

Sec. 39.
(Fees to
barristers
and
attorneys
and
expenses to
witnesses.)

(a) by omitting from section thirty-nine the words “in any case where the sum sued for does not exceed ten pounds” and by inserting in lieu thereof the following words :—

“in any case where—

(a) the sum sued for does not exceed ten pounds; or

(b) the sum sued for exceeds ten pounds but does not exceed fifty pounds and the action was commenced by the issue of a default summons—unless the defendant filed a notice of the grounds of defence together with an affidavit verifying it.

Paragraph (b) of this subsection shall not operate to preclude fees to barristers and attorneys being allowed in any case where the action referred to in that paragraph was commenced before the commencement of that paragraph”;

Sec. 64.
(Default
summons.)

(b) by omitting from section sixty-four the word “hereinafter” and by inserting in lieu thereof the words “in this Act”;

Sec. 90.
(When jury
may be
summoned
to try
action.)

(c) (i) by omitting from subsection one of section ninety the words “twenty pounds” and by inserting in lieu thereof the words “fifty pounds”;

(ii)

District Courts and Small Debts Recovery (Amendment).

- (ii) by omitting from subsection three of the same section the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
- (d) by omitting from section ninety-one the words "four pounds" and by inserting in lieu thereof the words "ten pounds".
- 3.** (1) The District Courts Act, 1912, as amended by subsequent Acts, is further amended—
- (a) by omitting from paragraph (a) of subsection one of section forty-one the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- (b) by omitting from section forty-two the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- (c) by omitting from section fifty-five the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds";
- (d) by omitting from section fifty-seven the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
- (e) by omitting from section seventy-three the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds".
- (2) The amendments made by subsection one of this section shall not apply in respect of proceedings commenced in a District Court on or after the twelfth day of July, one thousand nine hundred and fifty-five, and before the twelfth day of July, one thousand nine hundred and sixty-one.

Sec. 91.
(Party requiring jury to make deposit.)

Further amendment of Act No. 23, 1912.

Sec. 41.
(Ordinary jurisdiction of the courts.)

Sec. 42.
(In cases of partnership, intestacy, and legacy.)

Sec. 55.
(Splitting debt by giving bills, etc.)

Sec. 57.
(Infants.)

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(Proceedings where defendant's set-off or cross action exceeds the plaintiff's claim.)

District Courts and Small Debts Recovery (Amendment).

Amendment
of Act No.
33, 1912.

4. (1) The Small Debts Recovery Act, 1912, as amended by subsequent Acts, is amended—

Sec. 7.
(Amount.)

(a) by omitting from subsection two of section seven the words "fifty pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

(b) by inserting next after the same subsection the following new subsection:—

(2A) (a) Notwithstanding the provisions of subsection two of this section, in any action under paragraph (a) or paragraph (c) of subsection one of this section where the amount claimed exceeds fifty pounds, the defendant, or any one of two or more defendants, may, within such time and in such manner as may be prescribed, give notice that he objects to the action being heard and determined in a court of petty sessions, and where that notice is given, the court shall order that the action be transferred to the District Court for the district within which the said court of petty sessions is situated.

(b) When an order is made under paragraph (a) of this subsection the registrar of the court of petty sessions in which the action was commenced shall forthwith transmit by post the whole record thereof, including the order for transfer, to the District Court for which the action was ordered to be transferred.

(c) After an action has been transferred to a District Court under this subsection all proceedings therein shall, subject to any rules of court made under the District Courts Act, 1912, as amended by subsequent Acts, be taken in that Court as if the action had been originally commenced therein.

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1961

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 March, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 18, 1961.

An Act to make further provisions with respect to the jurisdiction of District Courts, and the jurisdiction, relating to the recovery of small debts, of courts of petty sessions; for these and other purposes to amend the District Courts Act, 1912-1958, and the Small Debts Recovery Act, 1912-1957; and for purposes connected therewith. [Assented to, 27th March, 1961.]

BE it enacted by the Queen'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:—

1. (1) This Act may be cited as the "District Courts and Small Debts Recovery (Amendment) Act, 1961." Short title and citation.

(2)

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

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

District Courts and Small Debts Recovery (Amendment).

(2) The District Courts Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the District Courts Act, 1912-1961.

(3) The Small Debts Recovery Act, 1912, as amended by subsequent Acts and by this Act, may be cited as the Small Debts Recovery Act, 1912-1961.

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District Courts and Small Debts Recovery (Amendment).

- (ii) by omitting from subsection three of the same section the words "twenty pounds" and by inserting in lieu thereof the words "fifty pounds";
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- Sec. 91.
(Party requiring jury to make deposit.)
3. (1) The District Courts Act, 1912, as amended by subsequent Acts, is further amended—
- Further amendment of Act No. 23, 1912.
- (a) by omitting from paragraph (a) of subsection one of section forty-one the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
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- Sec. 42.
(In cases of partnership, intestacy, and legacy.)
- (c) by omitting from section fifty-five the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds";
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(Splitting debt by giving bills, etc.)
- (d) by omitting from section fifty-seven the words "one thousand pounds" and by inserting in lieu thereof the words "three thousand pounds";
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(Infants.)
- (e) by omitting from section seventy-three the words "one thousand pounds" wherever occurring and by inserting in lieu thereof the words "three thousand pounds".
- Sec. 73.
(Proceedings where defendant's set-off or cross action exceeds the plaintiff's claim.)
- (2) The amendments made by subsection one of this section shall not apply in respect of proceedings commenced in a District Court on or after the twelfth day of July, one thousand nine hundred and fifty-five, and before the twelfth day of July, one thousand nine hundred and sixty-one.

District Courts and Small Debts Recovery (Amendment).

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4. (1) The Small Debts Recovery Act, 1912, as amended by subsequent Acts, is amended—

Sec. 7.
(Amount.)

(a) by omitting from subsection two of section seven the words "fifty pounds" and by inserting in lieu thereof the words "one hundred and fifty pounds";

(b) by inserting next after the same subsection the following new subsection :—

(2A) (a) Notwithstanding the provisions of subsection two of this section, in any action under paragraph (a) or paragraph (c) of subsection one of this section where the amount claimed exceeds fifty pounds, the defendant, or any one of two or more defendants, may, within such time and in such manner as may be prescribed, give notice that he objects to the action being heard and determined in a court of petty sessions, and where that notice is given, the court shall order that the action be transferred to the District Court for the district within which the said court of petty sessions is situated.

(b) When an order is made under paragraph (a) of this subsection the registrar of the court of petty sessions in which the action was commenced shall forthwith transmit by post the whole record thereof, including the order for transfer, to the District Court for which the action was ordered to be transferred.

(c) After an action has been transferred to a District Court under this subsection all proceedings therein shall, subject to any rules of court made under the District Courts Act, 1912, as amended by subsequent Acts, be taken in that Court as if the action had been originally commenced therein.

(2) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 27th March, 1961.*