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.

R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 3 March, 1977.

New South Wales



ANNO VICESIMO SEXTO

# ELIZABETHÆ II REGINÆ

Act No. , 1977.

An Act to amend the Limitation Act, 1969.

BE

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 5 follows:—

- 1. This Act may be cited as the "Limitation (Amend-Short title. ment) Act, 1977".
  - 2. The Limitation Act, 1969, is amended—

Amendment of Act No. 31, 1969.

- (a) by omitting from the matter relating to Division 1 Sec. 3.

  of Part IV in section 3 the matter "68" and by (Division.)
  inserting instead the matter "68A";
  - (b) by inserting at the end of section 65 the following Sec. 65. subsection:— (Property.)
- (3) This section does not apply where the cause of action is for conversion or detention of goods and, before the expiration of the limitation period fixed by or under this Act for the cause of action, the person having the cause of action recovers possession of the goods.

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- 20 (c) by inserting after section 68 the following Sec. 68A. section:—
  - 68A. (1) Where in proceedings before a Extinction judicial tribunal a question arises as to extinction of right or under this Division of a right or title, a party to be alleged in the proceedings shall not have the benefit in those proceedings.

proceedings

proceedings of any such extinction of that right or title unless, as part of the proceedings, he has pleaded or otherwise appropriately claimed in accordance with the procedures of the tribunal that the right or title has been so extinguished.

(2) In subsection (1), a reference to

proceedings before a judicial tribunal is a reference to proceedings before a court or person authorised by law or by agreement to bind the parties to the proceedings by a decision on a question arising in the proceedings as to whether or not a right or

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title has been extinguished under this Division.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977
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Act No. 1977.

Limitation (Amendment)

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1. This Act may be cited as the chief imitation (Amend-Short life

2. The Limitation Act. 1969, is ununded—— Amendment of Act No. No. 1969.

(a) by omitting form the matter relating to Division 1 8cc. 3.

No. , 1977.

# A BILL

To amend the Limitation Act, 1969.

[MR F. J. WALKER—2 March, 1977.]

BE

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 5 follows:—

- 1. This Act may be cited as the "Limitation (Amend-Short title. ment) Act, 1977".
  - 2. The Limitation Act, 1969, is amended—

Amendment of Act No. 31, 1969.

- (a) by omitting from the matter relating to Division 1 Sec. 3.

  of Part IV in section 3 the matter "68" and by (Division.) inserting instead the matter "68A";
  - (b) by inserting at the end of section 65 the following Sec. 65. subsection:— (Property.)
- (3) This section does not apply where the cause of action is for conversion or detention of goods and, before the expiration of the limitation period fixed by or under this Act for the cause of action, the person having the cause of action recovers possession of the goods.

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- 20 (c) by inserting after section 68 the following Sec. 68A. section:—
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(2) In subsection (1), a reference to proceedings before a judicial tribunal is a reference to proceedings before a court or person authorised by law or by agreement to bind the parties to the proceedings by a decision on a question arising in the proceedings as to whether or not a right or title has been extinguished under this Division.

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## LIMITATION (AMENDMENT) BILL, 1977

#### **EXPLANATORY NOTE**

THE objects of this Bill are-

- (a) to ensure that the title of a person to goods is not extinguished on expiration of the prescribed limitation period where, following conversion or wrongful detention of the goods, they are restored to that person before the expiration of that period; and
- (b) to require a person who wishes, in proceedings before a judicial tribunal, to rely on statutory extinction of a right or title to plead or otherwise specifically claim the extinction.

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## LIMITATION (AMENDMENT) BILL, 1977

#### EXPLANABIONS NOTE

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E it enacted by the Queen's Most Excellent Maistry, by and with the advice and consent of the Leadance Court and Legislative Assembly of New South Wates in artisment assembled, and by the authority of the same, as oflows:—

No. , 1977.

# A BILL

To amend the Limitation Act, 1969.

[MR F. J. WALKER—2 March, 1977.]

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 5 follows:—

- 1. This Act may be cited as the "Limitation (Amend-Short title. ment) Act, 1977".
  - 2. The Limitation Act, 1969, is amended—

Amendment of Act No. 31, 1969.

- (a) by omitting from the matter relating to Division 1 sec. 3.

  of Part IV in section 3 the matter "68" and by (Division.)
  inserting instead the matter "68A";
  - (b) by inserting at the end of section 65 the following Sec. 65. subsection:— (Property.)
- (3) This section does not apply where the cause of action is for conversion or detention of goods and, before the expiration of the limitation period fixed by or under this Act for the cause of action, the person having the cause of action recovers possession of the goods.

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- 20 (c) by inserting after section 68 the following Sec. 68A. section:—
  - 68A. (1) Where in proceedings before a Extinction judicial tribunal a question arises as to extinction of right or under this Division of a right or title, a party to be alleged in the proceedings shall not have the benefit in those proceedings.

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proceedings of any such extinction of that right or title unless, as part of the proceedings, he has pleaded or otherwise appropriately claimed in accordance with the procedures of the tribunal that the right or title has been so extinguished.

(2) In subsection (1), a reference to proceedings before a judicial tribunal is a reference to proceedings before a court or person authorised by law or by agreement to bind the parties to the proceedings by a decision on a question arising in the proceedings as to whether or not a right or title has been extinguished under this Division.

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D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

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New South Wales



ANNO VICESIMO SEXTO

# ELIZABETHÆ II REGINÆ

Act No. 11, 1977.

An Act to amend the Limitation Act, 1969. [Assented to, 17th March, 1977.]

BE

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:—

Short title.

1. This Act may be cited as the "Limitation (Amendment) Act, 1977".

Amendment of Act No. 31, 1969.

2. The Limitation Act, 1969, is amended—

Sec. 3. (Division.)

(a) by omitting from the matter relating to Division 1 of Part IV in section 3 the matter "68" and by inserting instead the matter "68A";

Sec. 65. (Property.)

- (b) by inserting at the end of section 65 the following subsection:—
  - (3) This section does not apply where the cause of action is for conversion or detention of goods and, before the expiration of the limitation period fixed by or under this Act for the cause of action, the person having the cause of action recovers possession of the goods.

Sec. 68A.

(c) by inserting after section 68 the following section:—

Extinction of right or title must be alleged in proceedings. 68A. (1) Where in proceedings before a judicial tribunal a question arises as to extinction under this Division of a right or title, a party to the proceedings shall not have the benefit in those

proceedings

proceedings of any such extinction of that right or title unless, as part of the proceedings, he has pleaded or otherwise appropriately claimed in accordance with the procedures of the tribunal that the right or title has been so extinguished.

(2) In subsection (1), a reference to proceedings before a judicial tribunal is a reference to proceedings before a court or person authorised by law or by agreement to bind the parties to the proceedings by a decision on a question arising in the proceedings as to whether or not a right or title has been extinguished under this Division.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1977

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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.

R. E. WARD, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 10 March, 1977.

# New South Wales



ANNO VICESIMO SEXTO

# ELIZABETHÆ II REGINÆ

Act No. 11, 1977.

An Act to amend the Limitation Act, 1969. [Assented to, 17th March, 1977.]

BE

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

T. J. CAHILL, Chairman of Committees of the Legislative Assembly.

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:—

Short title. 1. This Act may be cited as the "Limitation (Amendment) Act, 1977".

Amendment of Act No. 31, 1969.

2. The Limitation Act, 1969, is amended—

Sec. 3. (Division.)

(a) by omitting from the matter relating to Division 1 of Part IV in section 3 the matter "68" and by inserting instead the matter "68A";

Sec. 65. (Property.)

- (b) by inserting at the end of section 65 the following subsection:—
  - (3) This section does not apply where the cause of action is for conversion or detention of goods and, before the expiration of the limitation period fixed by or under this Act for the cause of action, the person having the cause of action recovers possession of the goods.

Sec. 68A.

(c) by inserting after section 68 the following section:—

Extinction of right or title must be alleged in proceedings. 68A. (1) Where in proceedings before a judicial tribunal a question arises as to extinction under this Division of a right or title, a party to the proceedings shall not have the benefit in those

proceedings

proceedings of any such extinction of that right or title unless, as part of the proceedings, he has pleaded or otherwise appropriately claimed in accordance with the procedures of the tribunal that the right or title has been so extinguished.

(2) In subsection (1), a reference to proceedings before a judicial tribunal is a reference to proceedings before a court or person authorised by law or by agreement to bind the parties to the proceedings by a decision on a question arising in the proceedings as to whether or not a right or title has been extinguished under this Division.

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

A. R. CUTLER, Governor.

Government House, Sydney, 17 March, 1977.

