

*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

Limitation (Amendment).

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

2. The Limitation Act, 1969, is amended—

Amendment
of Act No.
31, 1969.

10 (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.)

15 (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.

20 (c) by inserting after section 68 the following Sec. 68A.
section :—

25 68A. (1) Where in proceedings before a judicial tribunal a question arises as to extinction of right or title under this Division of a right or title, a party to the proceedings shall not have the benefit in those proceedings.

proceedings

Limitation (Amendment).

5 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.

10 (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
[8c]

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Act No. 1977.

Limitation (Amendment)

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

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

2. The Limitation Act 1969 is amended:—

(a) by omitting from the matter relating to Division 1 & 2 of Part IV in section 3 the matter "or" and "Division 1 & 2" inserting instead the matter "or"

No. , 1977.

A BILL

To amend the Limitation Act, 1969.

[Mr F. J. WALKER—2 March, 1977.]

BE

Limitation (Amendment).

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

2. The Limitation Act, 1969, is amended—

Amendment
of Act No.
31, 1969.

10 (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";

(b) by inserting at the end of section 65 the following subsection :—

Sec. 65.
(Property.)

15 (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.

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

25 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

Extinction
of right or
title must
be alleged in
proceedings.

proceedings

Act No. , 1977.

Limitation (Amendment).

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BY AUTHORITY

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

[8c]

PROOF

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.
-

PROOF

Act No. 1977.

It is 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:—

No. , 1977.

A BILL

To amend the Limitation Act, 1969.

[MR F. J. WALKER—2 March, 1977.]

BE

Limitation (Amendment).

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. This Act may be cited as the "Limitation (Amendment) 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 of Part IV in section 3 the matter "68" and by inserting instead the matter "68A";

(b) by inserting at the end of section 65 the following subsection :—

Sec. 3.
(Division.)
Sec. 65.
(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.

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

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

proceedings

Limitation (Amendment).

5 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.

10 (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.

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

Limitation (Amendment).

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
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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

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Limitation (Amendment).

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

Enactment (Amendment)

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of the state as part of the proceedings he has
been or otherwise appropriate claim in
accordance with the provisions of the tribunal
that the right or title has been extinguished.

(2) In subsection (1), a reference to
proceedings before a judicial tribunal is a reference
to proceedings before a court or person authorized
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
title has been extinguished under this section.

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.

Limitation (Amendment).

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
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Limitation (Amendment).

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.*

