

**COURTS OF PETTY SESSIONS (CIVIL CLAIMS)
AMENDMENT ACT, 1979, No. 75**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 75, 1979.

An Act to amend the Courts of Petty Sessions (Civil Claims) Act, 1970, to confer on courts of petty sessions jurisdiction in actions for the detention of goods. [Assented to, 11th May, 1979.]

Courts of Petty Sessions (Civil Claims) 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 "Courts of Petty Sessions (Civil Claims) Amendment Act, 1979".

Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment
of Act No.
11, 1970.

3. The Courts of Petty Sessions (Civil Claims) Act, 1970, is amended in the manner set forth in Schedule 1.

Sec. 3.

SCHEDULE 1.

AMENDMENTS TO THE COURTS OF PETTY SESSIONS (CIVIL CLAIMS) ACT, 1970.

(1) (a) Section 12 (1)—

Omit the subsection, insert instead :—

(1) Subject to this Part, a court shall have jurisdiction to hear and determine actions for—

(a) the recovery of any debt, demand or damage, whether liquidated or unliquidated; or

Courts of Petty Sessions (Civil Claims) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COURTS OF PETTY SESSIONS (CIVIL CLAIMS) ACT, 1970—*continued.*

(b) the detention of goods,

in which the amount claimed is not more than \$2,000, whether on a balance of account or after an admitted set-off or otherwise.

(b) Section 12 (6)—

After section 12 (5), insert :—

(6) For the purposes of this section, the amount claimed in an action for the detention of goods is the amount claimed for the value of the goods together with the amount (if any) claimed for damages for the detention of the goods.

(2) Section 19 (1) (d)—

Omit the paragraph, insert instead :—

(d) actions for the detention of goods, where any such action is for the detention of goods comprised in a hire-purchase agreement, by the owner of those goods, or any person acting on his behalf; or

(3) Section 22 (2)—

At the end of section 22, insert :—

(2) The summons filed for commencing an action for the detention of goods shall be an ordinary summons.

*Courts of Petty Sessions (Civil Claims) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE COURTS OF PETTY SESSIONS (CIVIL CLAIMS) ACT, 1970—*continued.*

(4) Section 28A—

After section 28, insert :—

Judgment
for deten-
tion of
goods.

28A. (1) The judgment in an action for the detention of goods, if for the plaintiff, shall be for an amount comprising—

- (a) the value of the goods, as determined by the court: and
- (b) damages (if any) awarded for the detention of the goods.

(2) The court may, if it thinks fit, when giving judgment for the plaintiff in an action for the detention of goods, direct that, if the goods are delivered to and accepted by the judgment creditor on or before a day specified in the judgment, the judgment debt shall be deemed to be satisfied to the extent of the amount specified in the judgment as the value of the goods.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 11th May, 1979.*

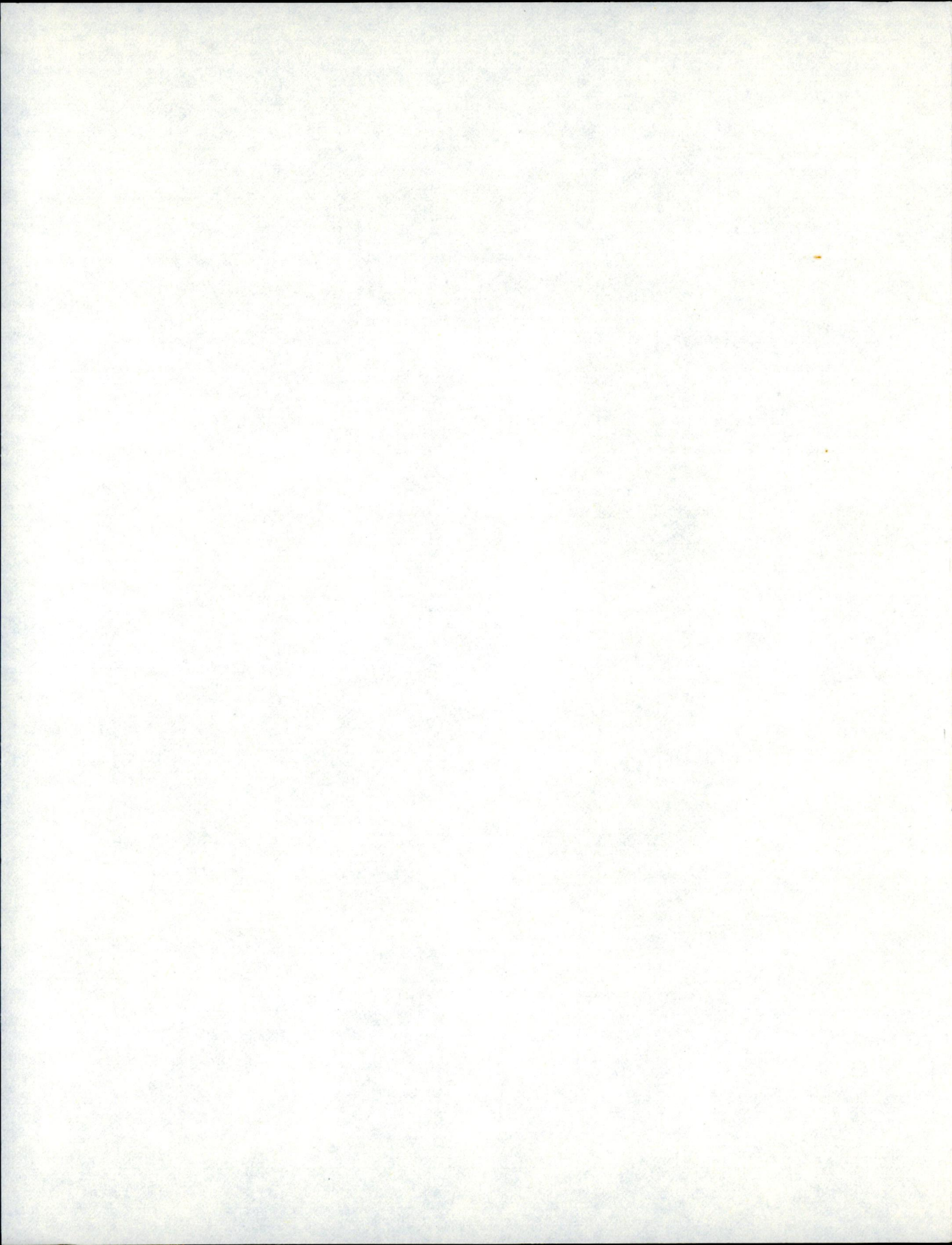
**COURTS OF PETTY SESSIONS (CIVIL CLAIMS)
AMENDMENT BILL, 1979**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Summary Offences (Repeal) Bill, 1979.

The object of this Bill is to amend the Courts of Petty Sessions (Civil Claims) Act, 1970, consequentially upon the repeal of the Summary Offences Act, 1970, so as to enable a court of petty sessions (within the limits of its jurisdiction) to hear and determine actions for the detention of goods.



**COURTS OF PETTY SESSIONS (CIVIL CLAIMS)
AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Courts of Petty Sessions (Civil Claims) Act, 1970, to confer on courts of petty sessions jurisdiction in actions for the detention of goods.

[MR F. J. WALKER—19 *April*, 1979.]

Courts of Petty Sessions (Civil Claims) 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 :—

5 **1.** This Act may be cited as the "Courts of Petty Sessions (Civil Short title. Claims) Amendment Act, 1979".

2. (1) This section and section 1 shall commence on the date Commence-
of assent to this Act. ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on such day as may be appointed by the Governor in
respect thereof and as may be notified by proclamation published
in the Gazette.

3. The Courts of Petty Sessions (Civil Claims) Act, 1970, is Amendment
amended in the manner set forth in Schedule 1. of Act No.
11, 1970.

15

SCHEDULE 1.

Sec. 3.

**AMENDMENTS TO THE COURTS OF PETTY SESSIONS (CIVIL
CLAIMS) ACT, 1970.**

(1) (a) Section 12 (1)—

Omit the subsection, insert instead :—

20

(1) Subject to this Part, a court shall have juris-
diction to hear and determine actions for—

- (a) the recovery of any debt, demand or
damage, whether liquidated or unliquidated;
or

Courts of Petty Sessions (Civil Claims) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COURTS OF PETTY SESSIONS (CIVIL CLAIMS) ACT, 1970—*continued.*

(b) the detention of goods,

5 in which the amount claimed is not more than \$2,000, whether on a balance of account or after an admitted set-off or otherwise.

(b) Section 12 (6)—

After section 12 (5), insert :—

10 (6) For the purposes of this section, the amount claimed in an action for the detention of goods is the amount claimed for the value of the goods together with the amount (if any) claimed for damages for the detention of the goods.

15 (2) Section 19 (1) (d)—

Omit the paragraph, insert instead :—

20 (d) actions for the detention of goods, where any such action is for the detention of goods comprised in a hire-purchase agreement, by the owner of those goods, or any person acting on his behalf; or

(3) Section 22 (2)—

At the end of section 22, insert :—

(2) The summons filed for commencing an action for the detention of goods shall be an ordinary summons.

Courts of Petty Sessions (Civil Claims) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE COURTS OF PETTY SESSIONS (CIVIL CLAIMS) ACT, 1970—*continued.*

(4) Section 28A—

5 After section 28, insert :—

28A. (1) The judgment in an action for the detention of goods, if for the plaintiff, shall be for an amount comprising—

Judgment
for deten-
tion of
goods.

- 10 (a) the value of the goods, as determined by the court; and
- (b) damages (if any) awarded for the detention of the goods.

15 (2) The court may, if it thinks fit, when giving judgment for the plaintiff in an action for the detention of goods, direct that, if the goods are delivered to and accepted by the judgment creditor on or before a day specified in the judgment, the judgment debt shall be deemed to be satisfied to the extent of the amount specified in the judgment as the value of the goods.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979



