

CONCURRENCE COPY

SUNDAY (SERVICE OF PROCESS) BILL, 1984 (No. 2)

EXPLANATORY NOTE

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

This Bill gives effect to the report of the New South Wales Law Reform Commission entitled "Service of Civil Process on Sunday" (L.R.C. 37), which is the Third Report of the Commission under the Community Law Reform Program.

The objects of this Bill are—

- (a) to repeal section 41 of the Imperial Acts Application Act, 1969, which is in the following terms:—

41. Service of any writ, process, warrant, order, judgment or decree (except in case of an offence, breach of the peace or any warrant, writ or process for the apprehension of any person) upon a Sunday shall be void.

- (b) to provide that any writ, process, order, judgment or decree may be served on a Sunday, other than a Sunday on which Christmas Day falls.
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SUNDAY (SERVICE OF PROCESS) BILL, 1984 (No. 2)

No. , 1984.

A BILL FOR

An Act relating to the service of process on Sundays, and to repeal section 41 of the Imperial Acts Application Act, 1969.

[MR LANDA—2 *May*, 1984.]

Sunday (Service of Process).

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 Short title.

1. This Act may be cited as the "Sunday (Service of Process) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

10 (2) Except as provided by 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.

Service of process on a Sunday.

3. (1) Any writ, process, warrant, order, judgment or decree may be served on a Sunday.

(2) Notwithstanding subsection (1), service of any writ, process, warrant, order, judgment or decree (except in the case of an offence, breach of the peace or any warrant, writ or process for the apprehension of any person) on a Sunday on which Christmas Day falls shall be void.

20 Amendment of Act No. 30, 1969.

4. Section 41 of the Imperial Acts Application Act, 1969, is repealed.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

SUNDAY (SERVICE OF PROCESS) ACT, 1984, No. 45

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 45, 1984.

An Act relating to the service of process on Sundays, and to repeal section 41 of the Imperial Acts Application Act, 1969. [Assented to, 13th June, 1984.]

Sunday (Service of Process).

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 "Sunday (Service of Process) Act, 1984".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by 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.

Service of process on a Sunday.

3. (1) Any writ, process, warrant, order, judgment or decree may be served on a Sunday.

(2) Notwithstanding subsection (1), service of any writ, process, warrant, order, judgment or decree (except in the case of an offence, breach of the peace or any warrant, writ or process for the apprehension of any person) on a Sunday on which Christmas Day falls shall be void.

Amendment of Act No. 30, 1969.

4. Section 41 of the Imperial Acts Application Act, 1969, is repealed.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 13th June, 1984.*