

**SUPREME COURT (AMENDMENT) BILL 1987**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The District Court (Amendment) Bill 1987 is cognate with this Bill.

The object of this Bill is to empower the Supreme Court to order that certain civil proceedings be tried without a jury.

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Clause 1 specifies the short title of the proposed Act.

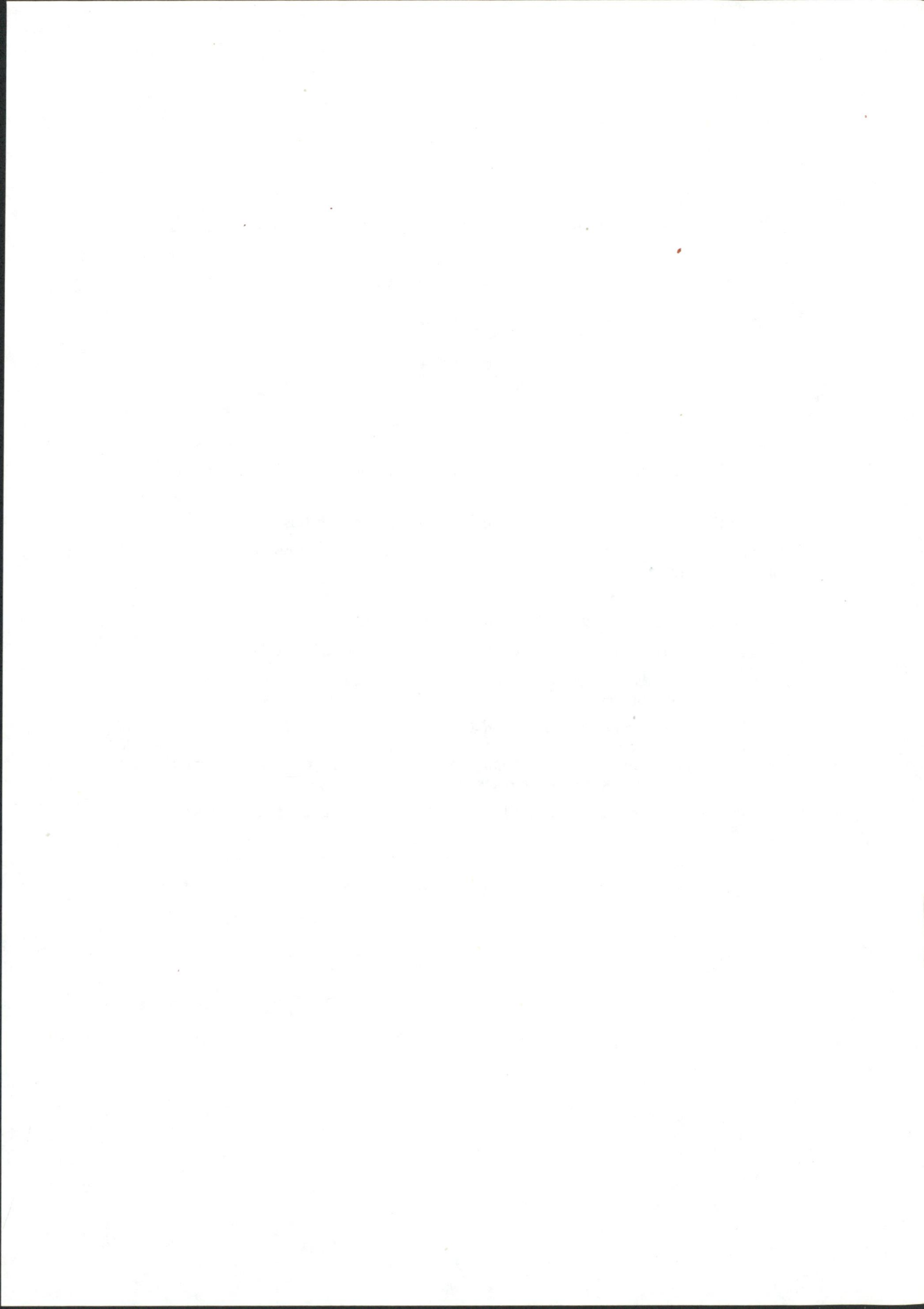
Clause 2 provides that the proposed Act will commence on assent.

Clause 3 amends the Supreme Court Act 1970 to empower the Supreme Court to order that certain civil proceedings be tried without a jury.

The amendment will override section 86 (where a party requisitions a jury) and section 87 (running-down cases where all or any parties apply for a jury), but does not override section 88 (proceedings for fraud, defamation and malicious prosecution etc., which must be tried with a jury) except in the respects that presently apply.

Clause 4 provides that the amendment applies to pending proceedings as well as new proceedings.

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# SUPREME COURT (AMENDMENT) BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Act No. 52, 1970
  4. Application of amendment
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# SUPREME COURT (AMENDMENT) BILL 1987

NEW SOUTH WALES



No. , 1987

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## A BILL FOR

An Act to amend the Supreme Court Act 1970 in relation to the hearing of certain civil proceedings without juries.

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See also District Court (Amendment) Bill 1987.

*Supreme Court (Amendment) 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Supreme Court (Amendment) Act 1987.

**Commencement**

2. This Act shall commence on the date of assent to this Act.

**Amendment of Act No. 52, 1970**

3. The Supreme Court Act 1970 is amended by omitting section 89 and by inserting instead the following section:

**Common law claims—special provisions**

89. (1) In any proceedings on a common law claim (except proceedings to which section 88 applies), the Court may order, despite sections 85, 86 and 87, that all or any issues of fact be tried without a jury.

- (2) In any proceedings to which section 88 applies, the Court may order, despite that section, that all or any issues of fact be tried without a jury where—

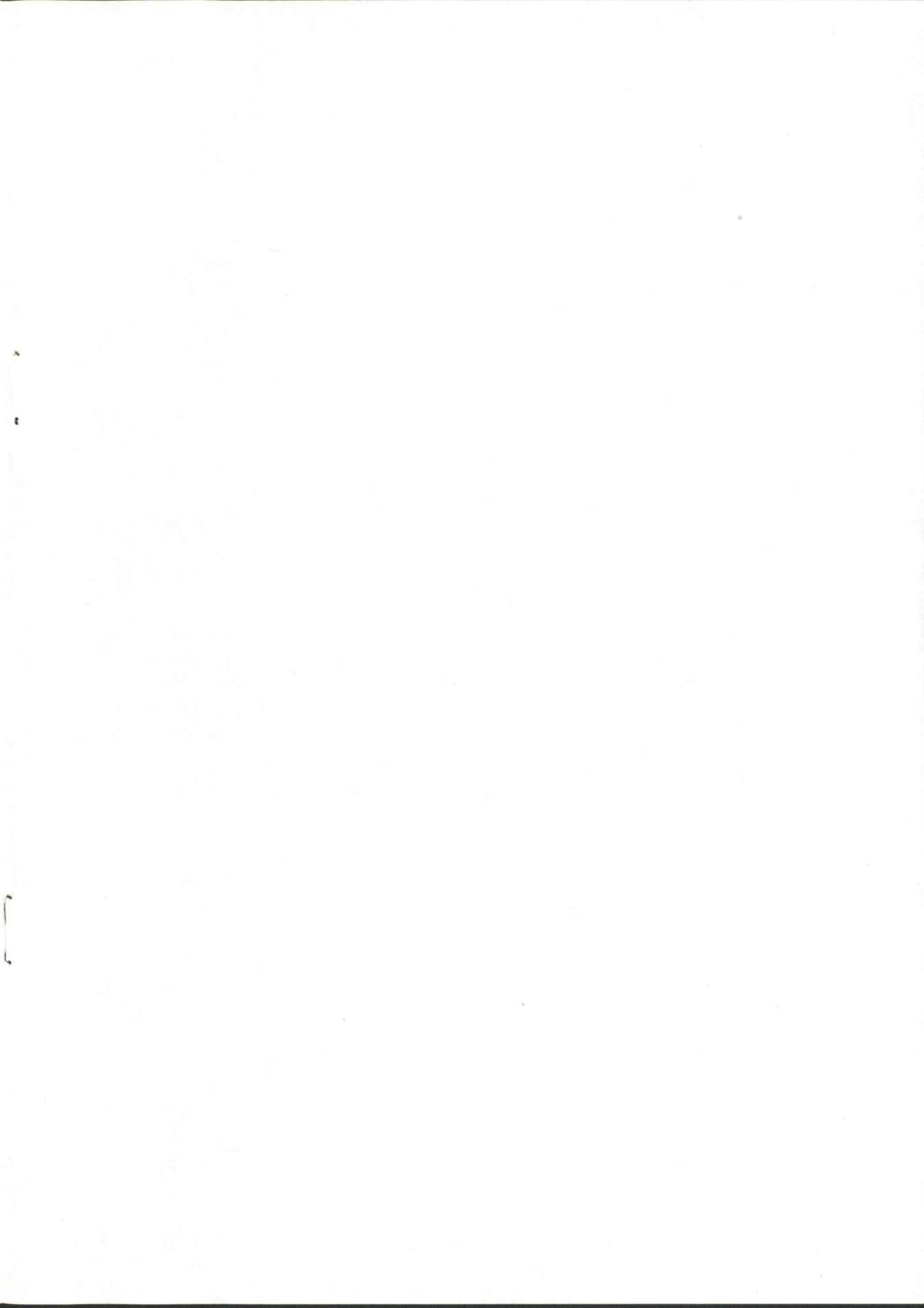
- (a) any prolonged examination of documents or scientific or local investigation is required and cannot conveniently be made with a jury; or
- (b) all parties consent to the order.

- (3) In any proceedings on a common law claim, issues of fact on a defence arising under—

- (a) section 63 (5) or section 64 (1) (c) of the Workers' Compensation Act 1926; or
- (b) section 150 (1) (e) of the Workers Compensation Act 1987,
- shall, despite sections 85, 86, 87 and 88, be tried without a jury.

**Application of amendment**

4. The amendment made by this Act applies to proceedings pending in the Supreme Court at the commencement of this Act, as well as to proceedings commenced afterwards.







# SUPREME COURT (AMENDMENT) ACT 1987 No. 163

NEW SOUTH WALES



## TABLE OF PROVISIONS

1. Short title
  2. Commencement
  3. Amendment of Act No. 52, 1970
  4. Application of amendment
-

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT



PHYSICS 311

PROFESSOR [Name]

**SUPREME COURT (AMENDMENT) ACT 1987 No. 163**

**NEW SOUTH WALES**



**Act No. 163, 1987**

**An Act to amend the Supreme Court Act 1970 in relation to the hearing of certain civil proceedings without juries. [Assented to 18 November 1987]**

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See also District Court (Amendment) Act 1987.

*Supreme Court (Amendment) 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Supreme Court (Amendment) Act 1987.

**Commencement**

2. This Act shall commence on the date of assent to this Act.

**Amendment of Act No. 52, 1970**

3. The Supreme Court Act 1970 is amended by omitting section 89 and by inserting instead the following section:

**Common law claims—special provisions**

89. (1) In any proceedings on a common law claim (except proceedings to which section 88 applies), the Court may order, despite sections 85, 86 and 87, that all or any issues of fact be tried without a jury.

(2) In any proceedings to which section 88 applies, the Court may order, despite that section, that all or any issues of fact be tried without a jury where—

(a) any prolonged examination of documents or scientific or local investigation is required and cannot conveniently be made with a jury; or

(b) all parties consent to the order.

(3) In any proceedings on a common law claim, issues of fact on a defence arising under—

(a) section 63 (5) or section 64 (1) (c) of the Workers' Compensation Act 1926; or

(b) section 150 (1) (e) of the Workers Compensation Act 1987,

shall, despite sections 85, 86, 87 and 88, be tried without a jury.

*Supreme Court (Amendment) 1987*

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**Application of amendment**

4. The amendment made by this Act applies to proceedings pending in the Supreme Court at the commencement of this Act, as well as to proceedings commenced afterwards.

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