

**JURISDICTION OF COURTS (FOREIGN LAND) ACT
1989 No. 190**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Jurisdiction with respect to foreign land (the Mozambique rule abolished)
 4. Court may decline jurisdiction with respect to foreign land
 5. Application of Act
-



**JURISDICTION OF COURTS (FOREIGN LAND) ACT
1989 No. 190**

NEW SOUTH WALES



Act No. 190, 1989

An Act to remove the limitation on the jurisdiction of the courts of the State with respect to land situated outside the State. [Assented to 19 December 1989]

See also Family Provision (Foreign Land) Amendment Act 1989.

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Jurisdiction of Courts (Foreign Land) Act 1989.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Jurisdiction with respect to foreign land (the Mozambique rule abolished)

3. The jurisdiction of any court is not excluded or limited merely because the proceedings relate to or may otherwise concern land or immovable property situated outside New South Wales.

Court may decline jurisdiction with respect to foreign land

4. A court is not required to exercise jurisdiction under this Act if the court considers that it is not the appropriate court to hear the proceedings.

Application of Act

5. This Act applies whether the cause of action concerned arose before, or arises after, the commencement of this Act.

[*Minister's second reading speech made in -
Legislative Assembly on 14 November 1989
Legislative Council on 23 November 1989*]

FIRST PRINT

JURISDICTION OF COURTS (FOREIGN LAND) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Family Provision (Foreign Land) Amendment Bill 1989 is cognate with this Bill.

These Bills implement the recommendations of the Law Reform Commission contained in its Report on the Jurisdiction of Local Courts over Foreign Land 1988 (LRC 58), in the Community Law Reform Program.

The objects of this Bill are:

- (a) to provide that the jurisdiction of any court is not excluded or limited because the proceedings relate to or may otherwise concern land or immovable property outside New South Wales (the Mozambique rule abolished); and
- (b) to provide that a court is not required to exercise this jurisdiction if it considers that it is not the appropriate court to hear the proceedings.

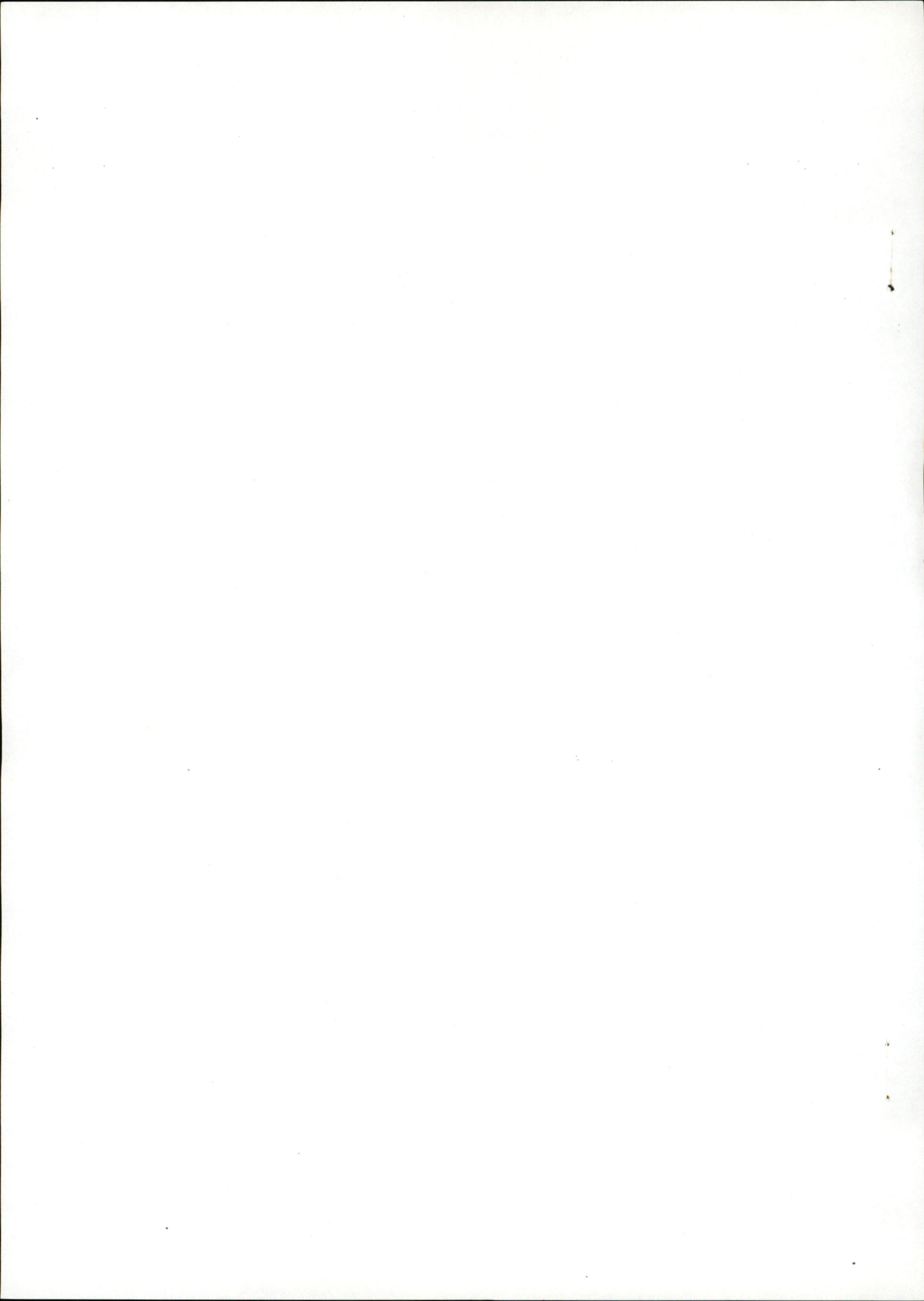
Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the proposed Act to commence on a day to be appointed by proclamation.

Clause 3 provides that a court may determine proceedings involving land or immovable property outside New South Wales.

Clause 4 provides that a court may decline to exercise jurisdiction if it considers that it is not the appropriate court to hear the proceedings.

Clause 5 provides that the Act applies to existing as well as new causes of action.



FIRST PRINT

JURISDICTION OF COURTS (FOREIGN LAND) BILL 1989

NEW SOUTH WALES

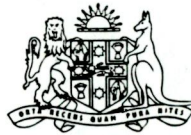
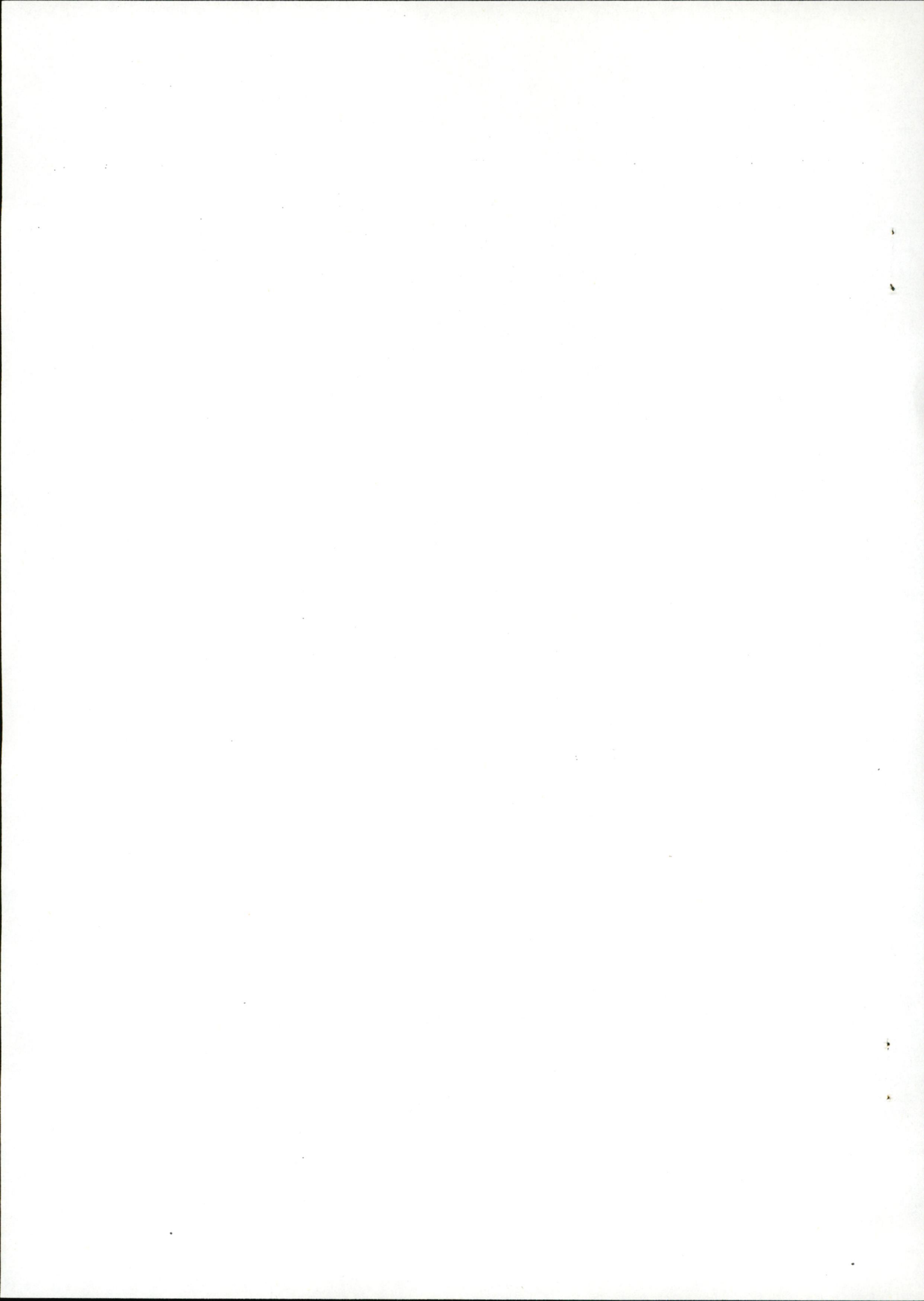


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JURISDICTION OF COURTS (FOREIGN LAND) BILL 1989

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to remove the limitation on the jurisdiction of the courts of the State with respect to land situated outside the State.

See also Family Provision (Foreign Land) Amendment Bill 1989.

Jurisdiction of Courts (Foreign Land) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Jurisdiction of Courts (Foreign Land) Act 1989.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Jurisdiction with respect to foreign land (the Mozambique rule abolished)

3. The jurisdiction of any court is not excluded or limited merely because the proceedings relate to or may otherwise concern land or immovable property situated outside New South Wales.

Court may decline jurisdiction with respect to foreign land

4. A court is not required to exercise jurisdiction under this Act if the court considers that it is not the appropriate court to hear the proceedings.

Application of Act

5. This Act applies whether the cause of action concerned arose before, or arises after, the commencement of this Act.
