



**MAGISTRATES COURT (CIVIL DIVISION)
AMENDMENT ACT 1993**

No. 73 of 1993

TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Principal Act
 4. Section 22 amended (Making of Rules of Court)
 5. Section 31A inserted
31A—Enforcement of judgments and orders
 6. Amendment of Acts
- Schedule 1—Amendment of Acts

AN ACT to amend the *Magistrates Court (Civil Division) Act 1992*

[Royal Assent 23 November 1993]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title

1—This Act may be cited as the *Magistrates Court (Civil Division) Amendment Act 1993*.

Commencement

2—(1) This Act, except section 6, commences on the day on which it receives the Royal Assent.

(2) Section 6 commences on the day on which the *Magistrates Court (Civil Division) Act 1992* commences.

Principal Act

3—In this Act, the *Magistrates Court (Civil Division) Act 1992** is referred to as the Principal Act.

Section 22 amended (Making of Rules of Court)

4—Section 22 of the Principal Act is amended by inserting after subsection (1) the following subsection:—

(1A) Rules of Court may make provision for and in respect of the enforcement of judgments and orders of the Court.

Section 31A inserted

5—After section 31 of the Principal Act, the following section is inserted in Part 6:—

Enforcement of judgments and orders

31A—The Court has the same powers in relation to the enforcement of its judgments and orders as the Supreme Court has in relation to the enforcement of its judgments and orders.

Amendment of Acts

6—The Acts specified in Schedule 1 are amended in the manner specified in that Schedule.

* No. 27 of 1992.

SCHEDULE 1

Section 6

AMENDMENT OF ACTS***Bills of Sale Act 1900***

(64 Vict. No. 70)

Section 17 is amended by omitting “commissioner or chairman of any court held under the *Local Courts Act 1896* in which an action could be brought” and substituting “Magistrates Court (Civil Division) if an action may be brought in that court”.

Contractors’ Debts Act 1939

(3 and 4 Geo. VI No. 49)

Section 2 is amended by omitting the definition of “original proceeding” and substituting the following definition:—

“**original proceeding**” includes any process in a court by which an action for debt may be commenced;

Disposal of Uncollected Goods Act 1968

(No. 34 of 1968)

Section 8 (2) is amended by omitting “*Local Courts Act 1896*” and substituting “*Magistrates Court (Civil Division) Act 1992*”.

Evidence Act 1910

(1 Geo. V No. 20)

1. Section 3 (1) is amended by omitting “and includes a commissioner appointed under the *Local Courts Act 1896*,” from the definition of “judge”.

2. Section 6 is amended as follows:—
 - (a) by omitting “any court held under the *Local Courts Act 1896* before a commissioner,” from the definition of “court” and substituting “the Magistrates Court (Civil Division)”;
 - (b) by omitting “a commissioner appointed under the *Local Courts Act 1896*,” from the definition of “judge” and substituting “a magistrate”.
 3. Section 26 (2) is amended by omitting “any court under the *Local Courts Act 1896*” and substituting “the *Magistrates Court (Civil Division)*”.
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Fire Damage Relief Act 1967

(No. 1 of 1967)

Section 9 (3) (a) (iv) is amended by omitting “a bailiff of a court held under the *Local Courts Act 1896*” and substituting “a bailiff under the *Magistrates Court (Civil Division) Act 1992*”.

Jury Act 1899

(63 Vict. No. 32)

Section 61 (1) is amended by omitting paragraph (b).

Justices Act 1959

(No. 77 of 1959)

Section 92A is amended as follows:—

- (a) by omitting from subsection (1) “a convenient court under the *Local Courts Act 1896*” and substituting “the Magistrates Court (Civil Division)”;

- (b) by omitting from subsection (2) “court whose registrar has received it” and substituting “Magistrates Court (Civil Division)”.
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Land and Income Taxation Act 1910

(1 Geo. V No. 47)

1. Section 141 is amended as follows:—
 - (a) by omitting “*Local Courts Act 1896*” and substituting “*Magistrates Court (Civil Division) Act 1992*”;
 - (b) by omitting “commissioner” and substituting “magistrate”.
 2. Section 142 is amended by omitting “*Local Courts Act 1896*, and the rules of practice” and substituting “*Magistrates Court (Civil Division) Act 1992* and the Rules of Court made”.
 3. Section 144 is amended by omitting “*Local Courts Act 1896*” and substituting “*Magistrates Court (Civil Division) Act 1992*, and the Rules of Court made under that Act,”.
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Land Titles Act 1980

(No. 19 of 1980)

Section 61 (1) is amended by omitting paragraph (b) and substituting the following paragraph:—

- (b) a writ enforcing a judgment or order issued under the *Magistrates Court (Civil Division) Act 1992*; or
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Land Valuation Act 1971

(No. 59 of 1971)

Section 29 is amended by omitting subsection (3) and substituting the following subsection:—

(3) Every magistrate appointed under the *Magistrates Court Act 1987* is a Commissioner of the court.

Law of Animals Act 1962

(No. 70 of 1962)

Section 8 (1) is amended by omitting “*Local Courts Act 1896*” and substituting “*Magistrates Court (Civil Division) Act 1992*”.

Legal Assistance Act 1962

(No. 28 of 1962)

Section 3 (1) is amended by omitting paragraph (b) from the definition of “court” and substituting the following paragraph:—

(b) the Magistrates Court (Civil Division);

Magistrates Court (Small Claims Division) Act 1989

(No. 14 of 1989)

Section 29 (8) is amended by omitting “subsection (3) (a)” and substituting “this section”.

Married Women's Property Act 1935

(26 Geo. V No. 90)

1. Section 1A is repealed and the following section is substituted:—

Interpretation

- 1A—In this Act, “**magistrate**” means a magistrate sitting as the Magistrates Court (Civil Division).
2. Section 7A (5) is amended by omitting “*Local Courts Act 1896*” and substituting “*Magistrates Court (Civil Division) Act 1992*”.
3. Section 7A (6) is omitted.
4. Section 8 is amended by omitting “**commissioner**”, wherever occurring, and substituting “**magistrate**”.
5. Section 9 is amended by omitting “**commissioner**”, wherever occurring, and substituting “**magistrate**”.
6. Section 10 is amended by omitting “**commissioner**”, wherever occurring, and substituting “**magistrate**”.
7. Section 10A (1) is amended by omitting “**commissioner**”, wherever occurring, and substituting “**magistrate**”.

Mining Act 1929

(20 Geo. V No. 71)

1. Section 97 (3) is amended by omitting “**courts held under the *Local Courts Act 1896*, and the commissioners thereof in relation to proceedings thereunder**” and substituting “**the Magistrates Court (Civil Division) and the magistrates of that Court by the *Magistrates Court (Civil Division) Act 1992* in relation to proceedings under that Act**”.
2. Section 99 (2) is amended by omitting “**rules of practice under the *Local Courts Act 1896***” and substituting “**Rules of Court under the *Magistrates Court (Civil Division) Act 1992***”.
3. The Second Schedule is amended by omitting from clause 11 “**Rules under the *Local Courts Act 1896***” and substituting “**Rules of Court under the *Magistrates Court (Civil Division) Act 1992***”.

Railway Management Act 1935

(26 Geo. V No. 33)

Section 76 is amended as follows:—

- (a) by omitting from subsection (1) “summons under the *Local Courts Act 1896*, as the case may be, shall give to” and substituting “writ commencing the action under the *Magistrates Court (Civil Division) Act 1992*, gives”;
- (b) by omitting from subsection (2) “*Local Courts Act 1896*, a Commissioner as defined by that Act.” and substituting “*Magistrates Court (Civil Division) Act 1992*, a magistrate.”.

Supreme Court Civil Procedure Act 1932

(23 Geo. V No. 58)

Section 9 (6) is amended by omitting “a Court of Requests or Court of General Sessions is removed into the Supreme Court in pursuance of the *Local Courts Act 1896*” and substituting “the *Magistrates Court (Civil Division)* is transferred to the Supreme Court under the *Magistrates Court (Civil Division) Act 1992*”.

[*Second reading presentation speech made in:—
House of Assembly on 13 October 1993
Legislative Council on 26 October 1993*]