



**PRISONERS (REMOVAL OF CIVIL DISABILITIES) ACT
1991**

No. 3 of 1991

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Interpretation
4. Prisoners may sue and be sued and enter into contracts
5. Administrator of prisoner's property
6. Saving
7. Amendment of Acts

Schedule 1—Amendment of Acts

AN ACT to remove certain civil disabilities of prisoners

[Royal Assent 30 May 1991]

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 *Prisoners (Removal of Civil Disabilities) Act 1991*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Interpretation

3—In this Act, unless the contrary intention appears—

“Court” means the Supreme Court and includes a judge sitting in chambers;

“long term prisoner” means a person who has been sentenced to a term of imprisonment exceeding 2 years and who, as a result of being so sentenced, is in prison;

“prisoner” means a person who has been sentenced to a term of imprisonment and who, as a result of being so sentenced, is in prison.

Prisoners may sue and be sued and enter into contracts

4—(1) Subject to subsection (2), a prisoner may—

- (a) sue and be sued; and
- (b) enter into contracts.

(2) A long term prisoner may not sue except by leave of the court before which it is intended to bring the proceedings.

(3) A court shall not give leave for the purpose of subsection (2) unless it is satisfied that—

- (a) the proceedings are not an abuse of process; and
- (b) there is a *prima facie* ground for the proceedings.

Administrator of prisoner's property

5—(1) An application may be made to the Court for the appointment of an administrator of the property of a long term prisoner by—

- (a) the prisoner; or
- (b) a relative of the prisoner; or
- (c) a person with an interest in the care and management of the prisoner's property.

(2) The Court shall, after considering the merits of an application made to it in accordance with subsection (1), either—

- (a) refuse the appointment of an administrator; or
- (b) appoint a person to be the administrator of the prisoner's property on such terms and conditions as it considers to be the most appropriate in the circumstances.

Saving

6—Notwithstanding the amendments made to the *Limitation Act 1974* by this Act, the provisions of the *Limitation Act 1974* in force immediately before the commencement of this Act shall continue to apply to and in respect of causes of action arising before the commencement of this Act as if this Act had not been passed.

Amendment of Acts

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

SCHEDULE 1

Section 7

AMENDMENT OF ACTS

Criminal Code Act 1924

(14 Geo. V No. 69)

Schedule 1 (the *Criminal Code*) is amended by omitting sections 435 to 452 inclusive.

Limitation Act 1974

(No. 98 of 1974)

1. Section 2 (2) is amended by omitting paragraph (c).
 2. Section 27 (1) is amended by omitting "other than a convict within the meaning of section 435 of the *Criminal Code*".
-