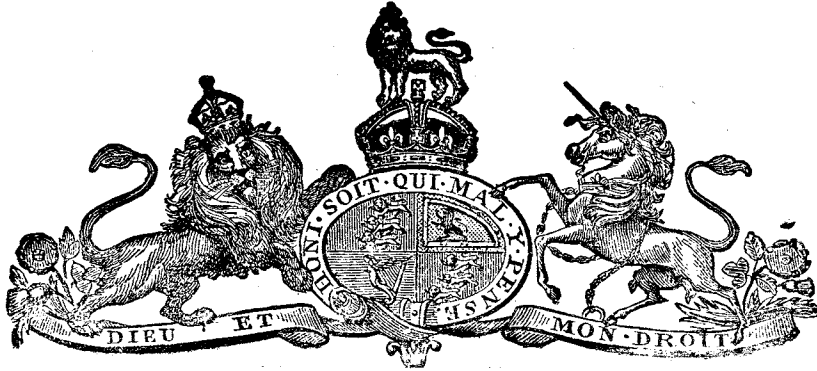


TASMANIA



1918.

ANNO NONO

GEORGII V. REGIS.

No. 39.

ANALYSIS.

1. Short title and incorporation with 60 Vict. No. 48.
2. Place and time of trial or hearing of any action, &c., may be changed.  
Deputy Registrar and duties.  
Consent jurisdiction.
3. Amendment of Section 20 of Principal Act.

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AN ACT to further amend "The Local Courts Act, 1896," and for other purposes.

A.D. 1918

[14 January, 1919.]

**B**E 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 :—

**1** This Act may be cited as "The Local Courts Amendment Act, 1918," and shall be construed as one with "The Local Courts Act, 1896" (hereinafter referred to as the Principal Act), and any amendment thereof.

Short title and incorporation with 60 Vict. No. 48.

*Local Courts Amendment.*

A.D. 1918.

Place and time of trial or hearing of any action, &c., may be changed.

**2** After Section Thirty-three of the Principal Act, the following Sections are inserted—

“**33a**—(1) Notwithstanding anything contained in this Act, the place and time of trial or hearing of any action or proceeding in—

- I. The Court of Requests held at Currie (King Island); or
- II. Any Court of Requests held at or to be appointed for Flinders Island; or
- III. Any other Court of Requests to which the provisions of this Section shall be extended by proclamation of the Governor—

may at any time after the filing of the plaint be changed by order of the Commissioner of such Court, either on his own motion or at the instance of any party, of which order notice shall be given to the parties or their respective attorneys in such manner as the Commissioner shall decide.

(2) The Governor may from time to time by proclamation extend and apply the provisions of this section to any Court of Requests other than those hereinbefore specified.”

Deputy Registrar and duties.

“**33b** Where any order is made under Section **33a** of this Act, changing the place of trial or hearing of any action or proceeding, the Registrar of the Court wherein the plaint is filed, shall transmit to the Registrar of the Court at or nearest to the substituted place of trial or hearing all process in the action or proceeding, and the latter Registrar shall, for the purposes of the trial or hearing, be and act as the Deputy of the former Registrar, and on the conclusion of the trial or hearing shall return to him the said process, together with any further process in the action or proceeding, with a memorandum of the result of the trial or hearing together with all fees collected by him in connection therewith, and shall thereupon cease to be such Deputy.”

Consent jurisdiction.  
Cf. W.A. (1904)  
No. 51, s. 39.

“**33c**—(1) If, before the filing of a plaint, all parties thereto agree by a memorandum signed by them or by their respective attorneys or agents that such plaint shall be filed in some specified Court of Requests not being a Court in which that plaint should be filed in compliance with Section Thirty-three of this Act, then the plaint, together with the said memorandum, may be filed in the Court of Requests so specified, and thereupon such lastmentioned Court shall have the same jurisdiction in respect of the action and of all proceedings incidental thereto or consequent thereon and for the recovery of the like amount as any Court in which the plaint should have been filed in compliance with Section Thirty-three aforesaid.

See *ib.*, sec. 38a.

(2) If, after the filing of a plaint in any action commenced in any Court of Requests or Court of General Sessions, all parties thereto agree by a memorandum signed by them or by their respective attorneys or agents that the action shall be transferred to some other Court, being a Court of Requests, and hereinafter called “the substituted Court,” then the Commissioner or Chairman of the Court in which the action was commenced (hereinafter called “the original

*Local Courts Amendment.*

Court”) may, at his discretion, order that the action be transferred to the substituted Court upon such terms (if any) as the parties shall by such memorandum specify. A.D. 1918.

(3) In any action where no defence has been filed within the time appointed, but the plaintiff is not entitled to judgment under Section Forty-six of this Act, then an order similar to that mentioned in Subsection (2) of this Section may be made upon the filing of a memorandum requesting such order and signed only by the plaintiff or his attorney or agent.

(4) Whenever any order is made under the provisions of subsections (2) or (3) of this section, all process in the transferred action shall be forthwith transmitted by the registrar of the original Court to the registrar of the substituted Court, and the action shall thereafter be continued and proceed in the substituted Court in the same way in all respects as if it had been commenced therein, and the substituted Court shall have the same jurisdiction in respect of the action and of all proceedings incidental thereto or consequent thereon and for the recovery of the like amount as the original Court. And the action shall be heard either at such sittings of the substituted Court as shall be specified in the memorandum aforesaid, or at such other time as the Commissioner of the substituted Court shall appoint.”

**3** Section Twenty of the Principal Act is hereby amended by inserting the following words at the end thereof, namely:—“ If for any reason the Court or a judge does not attend at the time and place appointed for such hearing or further hearing, the registrar may declare the same adjourned; and thereupon such hearing or further hearing shall stand adjourned until such date and on such terms as the Court or judge shall thereafter appoint.” Amendment of  
Section 20 of  
Principal Act.

