

LOCAL COURTS ORDINANCE 1964

No. 2 of 1965

An Ordinance to amend the *Local Courts Ordinance* 1941-1957

[Assented to 14th January, 1965.]

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1962, as follows:—

Short title
and citation.

1.—(1.) This Ordinance may be cited as the *Local Courts Ordinance* 1964.

(2.) The *Local Courts Ordinance* 1941-1957 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Local Courts Ordinance* 1941-1964.

Commence-
ment.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.*

Parts.

3. Section four of the Principal Ordinance is amended by omitting the words—

“Part XV.—Court Fees and Costs.”

and inserting in their stead the words—

“Part XV.—Costs.”

Definitions.

4. Section five of the Principal Ordinance is amended—

(a) by inserting after the definition of “Clerk” the following definition:—

“‘Judge’ or ‘Judge of the Supreme Court’ means—

(a) the Judge appointed under subsection (1.) of section seven of the *Northern Territory Supreme Court Act* 1961; or

(b) a Judge appointed under subsection (2.) of section seven of that Act,

exercising or performing the jurisdiction, powers or duties conferred or imposed on a Judge of the Supreme Court by this Ordinance;”;

- (b) by omitting from paragraph (a) of the definition of "the Court" the words "the Judge" and inserting in their stead the words "a Judge";
- (c) by omitting the definition of "the Judge"; and
- (d) by inserting, after the definition of "the repealed Acts and Ordinances" the following definition:—
" 'the Minister' means the Attorney-General."

5. Section eighteen of the Principal Ordinance is amended— Constitution of Court.

- (a) by omitting from sub-section (1.) the words "the Judge" and inserting in their stead the words "a Judge of the Supreme Court"; and
- (b) by omitting from sub-section (2.) the words "the Judge" and inserting in their stead the words "a Judge of the Supreme Court".

6. Section nineteen of the Principal Ordinance is amended by omitting the words "the Judge" (wherever occurring) and inserting in their stead the words "a Judge of the Supreme Court". Where Judge or Stipendiary Magistrate available Local Court of Limited Jurisdiction not to be constituted of Justices.

7. Section twenty of the Principal Ordinance is amended— Jurisdiction by consent where Court defective owing to absence of a member.

- (a) by omitting from sub-section (1.) the words "the Judge" and inserting in their stead the words "a Judge of the Supreme Court"; and
- (b) by inserting in sub-section (4.) after the word "Judge" the words "of the Supreme Court".

8. Section twenty-one of the Principal Ordinance is amended— Powers and duties of Judge and Stipendiary Magistrate.

- (a) by omitting from sub-section (1.) the words "The Judge" (first occurring) and inserting in their stead the words "A Judge of the Supreme Court"; and
- (b) by omitting from paragraph (i) of sub-section (1.) the words "the Judge" and inserting in their stead the words "any Judge of the Supreme Court".

9. Section twenty-four of the Principal Ordinance is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections:— Rules of Court.

"(1.) In this section 'the senior Judge' means the Judge appointed under sub-section (1.) of section seven of the *Northern Territory Supreme Court Act 1961* or, if that Judge is,

by reason of absence or for any other reason, unable to discharge the duties of his office or there is no Judge holding office by virtue of appointment under that sub-section, the senior Judge, appointed under sub-section (2.) of section seven of that Act, who is available for the discharge of duties under that Act.

“ (1A.) The senior Judge may make Rules of Court, not inconsistent with this or any other Ordinance, for regulating and prescribing the practice and procedure to be followed in Local Courts (including the practice and procedure to be followed in the offices of Local Courts) and for regulating and prescribing all matters and things incidental to or relating to any such practice and procedure, or necessary or convenient to be prescribed for the conduct of any business of the Local Courts.

“ (1B.) In particular, the Rules of Court may provide—

- (a) for the service and execution of the process of Local Courts, including the manner in which and the extent to which the process of a Local Court may be served out of the Jurisdiction of that Court;
- (b) for regulating any matters relating to the costs of proceedings in Local Courts;
- (c) for regulating the means by which particular facts may be proved and the mode in which evidence of particular facts may be given in any proceedings, or on any application in connexion with, or at any stage of, any proceedings;
- (d) for prescribing dates for special sittings of Local Courts; and
- (e) for regulating the duties of officers of Local Courts.”.

**Jurisdiction
on consent to
special
procedure.**

10. Section thirty of the Principal Ordinance is amended by inserting in sub-section (1.) after the word “ Judge ” the words “ of the Supreme Court ”.

**Warrant of
execution
against land.**

11. Section one hundred and thirty-eight of the Principal Ordinance is amended by omitting from paragraph (a) of sub-section (1.) the word “ after ”.

**Judgment
against
partners how
recovered.**

12. Section one hundred and forty of the Principal Ordinance is amended by omitting paragraph (b) of sub-section (1.) and inserting in its stead the following paragraph:—

“ (b) against the property of any person—

- (i) who has appeared in his own name;
- (ii) who has admitted in his claim, appearance, defence, counter-claim or reply that he is a partner; or
- (iii) who has been adjudged to be a partner.”.

13. The heading to Part XV. of the Principal Ordinance is amended by omitting the words "COURT FEES AND COSTS." and inserting in their stead the word "COSTS." Heading to Part XV.

14. Section two hundred and seventy-two of the Principal Ordinance is repealed. Repeal of section 272.

15. The Third Schedule to the Principal Ordinance is repealed. Repeal of Third Schedule.

16. The Fourth Schedule to the Principal Ordinance is repealed. Repeal of Fourth Schedule.

17. The Principal Ordinance is amended as set out in the Schedule to this Ordinance. Additional amendments.

THE SCHEDULE.

Section 17.

ADDITIONAL AMENDMENTS.

Section amended.	Amendments.
23	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ".
31	Omit from sub-section (2.) the words " the Judge " (wherever occurring) and insert in their stead the words " a Judge ".
36	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ".
37	Omit from sub-section (4.) the words " the Judge " and insert in their stead the words " a Judge ".
44	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ".
50	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ".
51	Omit the words " the Judge " and insert in their stead the words " a Judge ".
53	Omit from sub-section (2.) the words " the Clerk " and insert in their stead the words " the Master ".
54	(a) Omit from sub-section (1.) the words " the Judge " (wherever occurring) and insert in their stead the words " a Judge ".
	(b) Omit from sub-section (2.) the word " Judge " (first occurring) and insert in its stead the words " or a Judge ".
	(c) Omit from sub-section (2.) the words " the Judge " (wherever occurring) and insert in their stead the words " a Judge ".
56	(a) Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ".
	(b) Omit from sub-section (3.) the words " the Clerk " and insert in their stead the words " the Master ".
60	Omit the words " the Judge " and insert in their stead the words " a Judge ".

ADDITIONAL AMENDMENTS—*continued.*

Section amended.	Amendments.
61	Omit the words " the Clerk " (second occurring) and insert in their stead the words " the Master ".
63	(a) Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " . (b) Omit from sub-section (3.) the words " , the Judge " and insert in their stead the words " or a Judge " .
64	Omit the words " , the Judge " and insert in their stead the words " or a Judge " .
66	Omit the words " , the Judge " and insert in their stead the words " or a Judge " .
68	Omit the words " , the Judge " and insert in their stead the words " or a Judge " .
69	Omit the words " the Judge " and insert in their stead the words " a Judge " .
70	Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " .
71	Omit the words " the Judge " and insert in their stead the words " a Judge " .
72	Omit the words " , the Judge " and insert in their stead the words " or a Judge " .
74	Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " .
75	Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " .
76	Omit from sub-section (2.) the words " , the Judge " and insert in their stead the words " or a Judge " .
83	Omit the words " , the Judge " and insert in their stead the words " or a Judge " .
84	Omit the words " The Judge " and insert in their stead the words " A Judge " .
85	Omit from sub-section (2.) the words " the Judge " (first occurring) and insert in their stead the words " a Judge " .
88	(a) Omit from sub-section (2.) the words " the Judge " (wherever occurring) and insert in their stead the words " a Judge " . (b) Omit from sub-section (3.) the words " the Judge " and insert in their stead the words " a Judge " .
99	(a) Omit from sub-section (3.) the words " the Judge " and insert in their stead the words " a Judge " . (b) Omit from sub-section (4.) the words " the Judge " and insert in their stead the words " a Judge " .
101	Omit from sub-section (2.) the words " The Judge " and insert in their stead the words " A Judge " .
112	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .
115	Omit the words " the Judge " and insert in their stead the words " a Judge " .

ADDITIONAL AMENDMENTS—*continued.*

Section amended.	Amendments.
116	Omit the words " the Judge " and insert in their stead the words " a Judge ".
117	(a) Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " . (b) Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " . (c) Omit from sub-section (3.) the words " the Judge " and insert in their stead the words " a Judge " .
120	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .
131	Omit the words " the Judge " and insert in their stead the words " a Judge " .
134	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .
135	Omit the words " the Judge " and insert in their stead the words " a Judge " .
136	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .
138	Omit from paragraph (b) of sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .
140	Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " .
141	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .
143	Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " .
147	Omit the words " the Judge " and insert in their stead the words " a Judge " .
148	Omit the words " Judge or Stipendiary Magistrate " and insert in their stead the words " a Judge or a Stipendiary Magistrate " .
164	Omit the words " the Judge " and insert in their stead the words " a Judge " .
166	(a) Omit from paragraph (b) of sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " . (b) Omit from sub-section (4.) the words " the Judge " and insert in their stead the words " a Judge " .
167	Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge " .
171	Omit from sub-section (3.) the words " the Judge " and insert in their stead the words " a Judge " .
175	Omit the words " the Judge " (wherever occurring) and insert in their stead the words " a Judge " .
205	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .
216	Omit the words " the Judge " and insert in their stead the words " a Judge " .
222	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge " .

ADDITIONAL AMENDMENTS—*continued.*

Section amended.	Amendments.
225	(a) Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ". (b) Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge ".
237	(a) Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ". (b) Omit from sub-section (3.) the words " the Judge " and insert in their stead the words " a Judge ".
239	(a) Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge ". (b) Omit from sub-section (3.) the words " the Judge " and insert in their stead the words " a Judge ".
241	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ".
243	Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge ".
248	Omit the words " the Judge " (wherever occurring) and insert in their stead the words " a Judge ".
249	(a) Omit from sub-section (1.) the words " the Judge " (first occurring) and insert in their stead the words " a Judge ". (b) Omit from sub-section (4.) the words " the Judge " (first occurring) and insert in their stead the words " a Judge ".
253	Omit from paragraph (c) the words " the Judge " and insert in their stead the words " a Judge ".
254	Omit the words " the Judge " and insert in their stead the words " a Judge ".
255	Omit from sub-section (1.) the words " the Judge " (first and second occurring) and insert in their stead the words " a Judge ".
256	Omit the words " the Judge " (first occurring) and insert in their stead the words " a Judge ".
257	Omit the words " the Judge " (first occurring) and insert in their stead the words " a Judge ".
258	Omit the words " the Judge " (first occurring) and insert in their stead the words " a Judge ".
261	Omit from sub-section (1.) the words " The Judge " and insert in their stead the words " A Judge ".
262	Omit the words " the Judge " (first occurring) and insert in their stead the words " a Judge ".
263	Omit the words " the Judge " (first occurring) and insert in their stead the words " a Judge ".
265	Omit from sub-section (1.) the words " the Judge or Stipendiary Magistrate " and insert in their stead the words " a Judge or a Stipendiary Magistrate ".
270	Omit the words " the Judge " and insert in their stead the words " a Judge ".

ADDITIONAL AMENDMENTS—*continued.*

Section amended.	Amendments.
273	(a) Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ". (b) Omit from sub-section (2.) the words " the Judge or any Stipendiary Magistrate " and insert in their stead the words " a Judge or a Stipendiary Magistrate ".
274	Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ".
277	(a) Omit from sub-section (1.) the words " the Judge " and insert in their stead the words " a Judge ". (b) Omit from sub-section (2.) the words " the Judge " and insert in their stead the words " a Judge ".
288	Omit from sub-section (3.) the words " the Judge " and insert in their stead the words " a Judge ".