

# LOCAL COURTS ORDINANCE 1971

743

No. 17 of 1971

## An Ordinance to amend the *Local Courts Ordinance 1941-1970*

[Assented to 26 March, 1971]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

**1.—(1.) This Ordinance may be cited as the *Local Courts Ordinance 1971*.** Short title and citation

(2.) The *Local Courts Ordinance 1941-1970* 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 1941-1971*.

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

**3.** Section 54 of the Principal Ordinance is amended— Appeal from Local Court to Supreme Court  
(a) by inserting in sub-section (2.) after the words “Stipendiary Magistrate” (second occurring) the words “making the order or by special leave of the Court to which the appeal is sought”; and  
(b) by omitting sub-section (3.) and inserting in its stead the following sub-section:—

“(3.) A party who is dissatisfied with an interlocutory order may not apply for special leave to appeal from that order unless he has first applied for leave to appeal to the Court, Judge or Stipendiary Magistrate making the interlocutory order and that application has been refused.”.

**4.** Sections 55 to 58 inclusive of the Principal Ordinance are repealed and the following sections inserted in their stead:—

“55. When an appeal has been instituted, the Court to which the appeal is made or a Justice or Judge, as the case may be, of that Court or the Court from which the appeal is made or a Judge or Stipendiary Magistrate of that Court may order a stay of all or any proceedings under the judgment, determination or order appealed from for such time and upon such conditions, if any, as are specified in the order.” Stay of proceedings

\* Date not fixed at 1 January, 1974.

## Cross-appeal

“56. A respondent who desires to appeal from a part of the judgment, determination or order from which the appellant has appealed, or to seek a variation of a part of the judgment, determination or order, need not institute a substantive appeal, but he may cross-appeal.”

## Powers of Court on hearing of appeal

5. Section 59 of the Principal Ordinance is amended—
- (a) by omitting paragraph (f) of sub-section (1.);
  - (b) by omitting from sub-section (2.) the words “discharge the order” and inserting in their stead the words “dismiss the appeal”; and
  - (c) by omitting from sub-section (2.) the words “make the order absolute with regard to that part, and discharge it” and inserting in their stead the words “allow the appeal with regard to that part and dismiss it”.

## Repeal

6. Section 61 of the Principal Ordinance is repealed.

## Transitional

7. Where a judgment, determination or order has been pronounced or made before the commencement of this Ordinance, the provisions of the Principal Ordinance continue to apply in respect of that judgment, determination or order as though this Ordinance had not come into operation and the provisions of the Principal Ordinance as amended by this Ordinance do not apply in respect of that judgment, determination or order.