

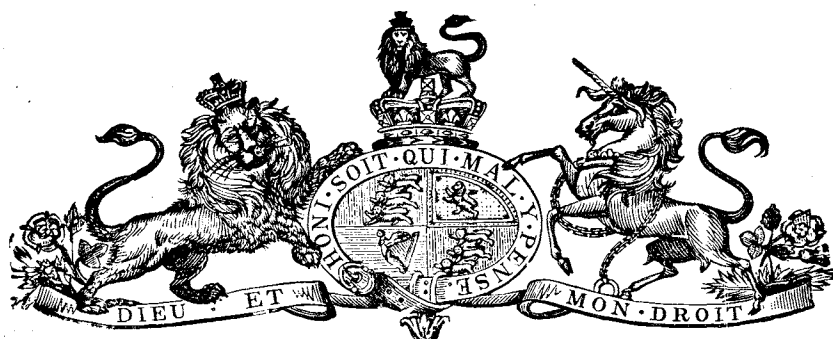
TASMANIA.

THE LOCAL COURTS ACT 1934.

ANALYSIS.

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TASMANIA.



1934.

ANNO VICESIMO QUINTO

GEORGII V. REGIS.

No. 51.



AN ACT to amend the *Local Courts Act 1896*, and to consolidate and amend the Amendments previously made thereto.

[13 December, 1934.]

A.D.
1934.

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:—

1 This Act may be cited as the *Local Courts Act 1934*.

Short title.

2—(1) The enactments set forth in the first schedule are hereby repealed.

Repeal.

(2) The repeal by this Act of the enactments set forth in the fourth column of the first schedule shall not affect the operation of the amendments inserted or effected in the Principal Act by such

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Amend-
ment of 60
Vict. No.
48.Preamble
and enact-
ing clause.
Section 1.

Section 3.

Section 7.

New Sec-
tion 12.Courts of
General
Sessions.

repealed enactments, and the Principal Act shall continue to be read and construed as altered by such repealed enactments as if the same had not been repealed, subject, however, to any amendments or alterations therein made by any subsequent enactments.

3 The Principal Act is hereby amended—

I. By expunging the preamble thereto, and by deleting the word “therefore” in the enacting clause :

II. By deleting the words “and take effect” and “and after” in section one :

III. By substituting for repealed section three the following new section three:—

“**3** The Acts set forth in Schedule (1) are hereby repealed.” :

IV. As to section seven—

(a) By expunging the definitions of “Chairman,” “Commissioner,” and “Court” and substituting therefor the following definitions:—

“‘Chairman’ shall mean the Chairman of any Court of General Sessions established under this Act :

“‘Commissioner’ shall mean a commissioner appointed to hold any court under this Act, and shall include a chairman :

“‘Court’ shall mean any court held under this Act :” ; and

(b) By expunging the definitions of “judge” and “person” :

V. By substituting for repealed section twelve the following section :—

“**12**—(1) The Governor, by proclamation, may establish courts of general sessions to be courts under this Act with jurisdiction to such an amount, not exceeding fifty pounds, as the Governor thinks fit, and at such places as the Governor may appoint.

(2) Every such court shall be holden at the times and places appointed by the Governor in the proclamation establishing the court, or in a subsequent proclamation.

(3) When a court of general sessions is established under this Act to be holden at any place, the justices of the district who are resident within ten miles of such place shall meet in the month of January of each year, at a time and place to be appointed by the registrar of the court so

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established and to be notified by him to each such justice as aforesaid, and shall elect a chairman of the court.

(4) The chairman of the court, if present, shall preside and, if at any sitting of the court he is not present, the justices present shall elect one of their number to be chairman for that sitting.

(5) A court of general sessions shall be constituted by a chairman, appointed as aforesaid, and at least one other justice.

(6) It shall be the duty of the justices mentioned in subsection (3) hereof to attend the sittings of the court in such rotation as such justices at the annual meeting before-mentioned shall determine, and any justice failing without reasonable cause to attend at any such sitting in his proper rotation shall be liable to a penalty of two pounds.

(7) All proceedings commenced before the date of the enactment of this section in any court of general sessions established prior to that date shall be continued, executed, and enforced in the court established under this section at the place where such former court was holden in the same manner in every respect, and such court established under this section shall have the like powers, jurisdiction, and authority in relation thereto, as if such proceedings had been commenced in the court established as last aforesaid.

(8) Where a court is established under this section to be holden at a place at which a court of general sessions established under any repealed Act was held, the same shall be deemed to be in substitution for and in continuation of such former court, and all records and proceedings of such former court shall be deemed to be records and proceedings of the court so substituted.”:

VI. As to section thirteen thereof—

Section 13.

- (a) By inserting the figure “(1)” at the beginning thereof:
- (b) By deleting the words “one hundred” in the seventh line and substituting the words “two hundred and fifty”:
- (c) By inserting at the end thereof the following new subsections (2), (3), and (4)—

“(2) Where any action is brought in any such Court in which the subject matter exceeds one hundred and fifty pounds in amount or value, the defendant may endorse upon his notice of defence a statement that he requires the action to be tried in the Supreme Court, and thereupon the Court, under this Act, shall proceed no further with such action, and the same shall be

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removed by virtue of this section to the Supreme Court, and all documents filed therein shall be transmitted by the Registrar of the Court of Requests to the Registrar of the Supreme Court.

(3) Where an action is removed as aforesaid to the Supreme Court, that Court shall proceed therein as if the action had originally been commenced therein, and all subsequent proceedings shall be according to the course and practice of the Supreme Court.

(4) The fees and costs in respect of actions, the subject matter of which exceeds one hundred pounds, shall be as prescribed by Rules of Court.” :

Section 18.

VII. By substituting for repealed section eighteen the following new section eighteen :—

Com-
missioner
may sit in
chambers.

“**18**—(1) A commissioner in chambers shall have and may exercise in respect of any action or proceeding under this Act within the jurisdiction of the court of which he is commissioner any of the powers which, if such action or proceeding were pending in the Supreme Court, a judge of the Supreme Court might exercise in respect thereof in chambers.

(2) Any order, direction, declaration, or act made, given, or done by a commissioner in the exercise of the powers conferred by this section may be reversed, discharged, or altered by a judge of the Supreme Court sitting in chambers.” :

Section 32.

VIII. By substituting for repealed sections thirty-two and thirty-two A (inserted by the *Local Courts Amendment Act 1917*) the following section thirty-two :—

Actions
cognizable
under this
Act.

“**32**—(1) The following shall be the actions cognizable by courts held under this Act :—All personal actions where the debt or damage claimed is not more than the amount to which the jurisdiction of the court in which the action is brought is limited, excepting actions in which the title to any corporeal or incorporeal hereditaments, or to any toll, fair, market, or franchise, is in question, or in which the validity of any devise or bequest or limitation under any will or settlement may be disputed, or for the infringement of letters patent or copyright, or for any arrest or false imprisonment or malicious prosecution, or for any libel or slander, or for seduction or breach of promise of marriage.

(2) No action of ejectment, other than actions brought in accordance with the provisions hereinafter contained for recovering possession of corporeal hereditaments, and no action of replevin, shall be cognizable by any court held under this Act.

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(3) None of the exceptions to the jurisdiction of courts held under this Act made by this section shall apply to the jurisdiction of any court held under this Act by a commissioner who is a practitioner.

(4) The jurisdiction of the courts held under this Act shall extend to the recovery of any demand, not exceeding the sum to which the jurisdiction of the court is limited, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of a distributive share under an intestacy, or of any legacy under a will.

(5) In any case in which a person has an equitable claim or demand against another person in respect of which the only relief sought is the recovery of a sum of money and the amount claimed does not exceed the sum to which the jurisdiction of the court is limited, the person seeking to enforce the claim or demand may sue for and recover it in the court. [8 Geo. V. No. 16 s. 3.]

(6) Subsection (5) of this section shall not be construed to confer on courts held under this Act an equitable jurisdiction within the meaning of sections one hundred and eighty-two and one hundred and eighty-three of the *Supreme Court Civil Procedure Act 1932* :

23 Geo. V.
No. 58.
New Sections 35A
and 35B.

IX. By inserting after section thirty-five the following new sections thirty-five A and thirty-five B :—

“ **35A** A defendant in an action may set-off or set-up by way of counter-claim against the claims of the plaintiff any right or claim, whether such set-off or counter-claim sound in damages or not, and such set-off or counter-claim shall have the same effect as a cross-action, so as to enable the court to pronounce a final judgment in the same action both on the original and the cross-claim ; but the commissioner on the application of the plaintiff before trial, if in the opinion of the commissioner such set-off or counter-claim cannot be conveniently disposed of in the pending action, or ought not to be allowed, may refuse permission to the defendant to avail himself thereof. Set-off and counter-claim. [62 Vict. No. 43, s. 3.] ”

“ **35B** When any action is commenced over which the court has no jurisdiction, or in respect of which the plaintiff should, pursuant to section thirty-three, have been filed in some other court, the court, unless, in the case of an action commenced by a plaintiff which should have been filed in some other court, the parties consent to the court proceeding to hear the action, shall order it to be struck out, and shall have power to award costs in the same manner as if the court had jurisdiction therein or if the plaintiff had been filed in the appropriate court and the Costs to be allowed where action commenced over which court has no jurisdiction. [63 Vict. No. 35, s. 3.] ”

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New section 45A.

Reply to set-off or counter-claim.

plaintiff had not appeared, or had appeared and failed to prove his demand; and whenever any such action is withdrawn the defendant may have judgment entered up for the amount of his costs to be taxed by the Registrar upon the scale provided for a claim of the like amount.” :

X. By inserting after section forty-five thereof the following new section forty-five A :—

“ **45A**—(1) Where the defendant by his defence sets off, or sets up by way of counterclaim, any right or claim the plaintiff within three days after the delivery to him or to his attorney of the notice of defence shall file with the registrar in writing a reply to such set-off or counterclaim.

(2) The provisions of section forty-five and of the rules relating to notices of defence shall apply to any such reply.

(3) If the plaintiff satisfies the commissioner that the time allowed by this section is not sufficient to enable him to prepare and file his reply as aforesaid the Commissioner may allow such further time for that purpose as he may think necessary and upon such terms, if any, as he may think fit; and may, if he thinks necessary, adjourn the hearing.

(4) If the plaintiff fails to file a reply within the time prescribed or such further time as may be allowed as aforesaid, the defendant shall be entitled to judgment for his set-off or counterclaim as hereinafter provided.

(5) Such judgment shall be entered on the order of the court if the action is heard or of the court or commissioner if otherwise.” :

Section 59.

XI. As to section fifty-nine thereof—

(a) By inserting the figure “(1)” at the beginning thereof:

(b) By deleting the words “scale of allowance contained in schedule (2) hereto” and substituting the words “prescribed scale”:

(c) By inserting at the end of the section the following new subsection (2)—

“(2) Where witnesses’ expenses are allowed in any action the same shall be payable according to the scale prescribed under the *Supreme Court Civil Procedure Act 1932*.” :

XII. By inserting after section sixty-three the following sections in the place of repealed sections sixty-four, sixty-five, and sixty-six respectively :—

“ **64** In all actions brought in a court of requests the commissioner shall alone determine all questions as well

New sections 64, 65, 66.

[2 Ed. VII. No. 19, ss. 12, 13, 14.] Commissioner to determine questions of fact and law.

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of fact as of law, and his decision shall be the judgment of the court, unless a jury be required as hereinafter provided.

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“**65** In any action brought as aforesaid the plaintiff or defendant may require a jury to try the action, and when the plaintiff requires a jury to try the action he shall insert in the plaint and summons the words ‘For Trial by Jury,’ and no further notice shall be necessary; and when the defendant requires a jury to try the action he shall insert in the notice of defence the words ‘For Trial by Jury,’ and no further notice shall be necessary.”

Action may be tried by jury if either party desires.

“**66** In any action brought as aforesaid the commissioner may, at any time before the return day of the summons, by order in writing, direct that the action shall be tried by jury, although no demand of a jury has been made by either of the parties thereto, and the action shall be tried by a jury accordingly.”

Commissioner may order action to be tried by jury.

XIII. By inserting the words “or counter-claim” after the word “set off” wherever occurring in section seventy-two thereof :

Section 72.

XIV. By substituting for repealed section seventy-four the following new section seventy four :—

New section 74.

“**74** In every action commenced under this Act, law and equity shall be administered by the court according to the following rule :—

Law and equity to be administered concurrently in courts held under this Act.

(1) The court and every commissioner thereof shall recognise and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any action, in the same manner in which the Supreme Court, prior to the commencement of the *Legal Procedure Act* 1903, would have recognised and taken notice of the same in any suit or proceedings in equity instituted therein prior to the commencement of that Act; and if any defendant claims to be entitled to any equitable estate or right, or to relief upon any equitable ground, against any deed, instrument, or contract, or against any right, title, or claim asserted by the plaintiff in the action, or alleges any ground of equitable defence to any claim of the plaintiff in the action, the court and every commissioner thereof shall give to every equitable estate, right, or ground of relief so claimed, and to every equitable defence so alleged, such and the same effect, by way of defence against the claim of the plaintiff, as the Supreme Court ought to have given if the same or the like matters had been relied on by way of defence in any suit or proceeding in equity which might have been

[3 Ed. VII. No. 19, s. 3 (1),(3),(5).]

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instituted for the same or the like purpose prior to the commencement of the *Legal Procedure Act 1903*.

(2) Subject to the provisions of this section for giving effect to equitable rights and other matters of equity, and to the other provisions of this Act, the court and every commissioner thereof shall recognise and give effect to all legal claims and demands, and all estates, titles, rights, duties, obligations, and liabilities existing by the common law or by any custom or created by any statute, in the same manner as the same would have been recognized if this section had not been enacted.

(3) Generally in all matters not particularly mentioned in this section in which there is any conflict or variance between the rules of equity and the rules of the common law with reference to the same matter, the rules of equity shall prevail.” :

New sections 83A & 83B.

Interest on judgments.
[36 Vict. No. 1.]

Court empowered to allow interest on debts.
18 Vict. No. 9, s. 141.
(3 & 4 Wm. 4, c. 42, s. 28.)

XV. By inserting after section eighty-three the following new sections eighty-three A and eighty-three B :—

“ **83A** Every judgment shall carry interest at the rate of five pounds per centum per annum, or, where the debt upon which the judgment is entered up carried interest, after the rate at which it carried interest, from the time of entering up judgment until the same shall be satisfied, and such interest may be levied under a warrant of execution on such judgment.

“ **83B** Upon all debts or sums certain, the court or, in the case where the action is tried with a jury, the jury, on the trial of any action may, if the court or jury thinks fit, allow interest to the creditor at a rate not exceeding the current rate of interest from the time when such debts or sums were payable, if payable at a certain time, or, if payable otherwise, then from the time when the demand of payment shall have been made in writing, so as such demand shall give notice to the debtor that interest will be claimed from the date of such demand until the time of payment.” :

New section 84A.

Penalty on judgment debtor neglecting order to appear.
[2 Ed. VII. No. 19, s. 6.]

XVI. By inserting after section eighty-four the following new section eighty-four A :—

“ **84A** If any judgment debtor, who has been ordered to attend before the court, or any person appointed as provided by section eighty-four, shall refuse or neglect, without sufficient cause—

- i. To appear at the time and place stated in such order :
- ii. To produce any books or documents which he has been thereby ordered to produce :

Local Courts.

- iii. To be sworn : or
- iv. To give any evidence—

A.D. 1934.

he shall forfeit and pay such fine, not exceeding ten pounds, as the court may impose on him ; and in default of payment of any such fine the court may commit the judgment debtor to any gaol for any period not exceeding one month.”:

- XVII. By inserting after section one hundred and fourteen the following new section one hundred and fourteen A :—

New section 114A.

“**114A** Every court held under this Act shall have full power and jurisdiction to decide an interpleader summons in any case in which a married woman claims any personal property taken in execution at the suit of a judgment creditor of her husband by a bailiff of any court held under this Act.” :

Court may decide interpleader summons where married woman claims.

- XVIII. By substituting for repealed section one hundred and twenty-three the following section one hundred and twenty-three :—

[2 Ed. VII. No. 19, s. 9.] New section 123.

“**123**—(1) If either party to an action brought in any court held under this Act is dissatisfied with the determination or direction of the court in point of law, or upon the admission or rejection of any evidence, such party may appeal from the same to a judge of the Supreme Court at chambers ; and the judge hearing such appeal may either order a new trial, on such terms as may seem fit, or may order judgment to be entered for either party, and may make such order in the premises and with respect to the costs of the appeal as may seem proper.

(2) If any claimant to any goods or property taken in execution under the process of any court held under this Act, or to the proceeds or value thereof, or the party at whose instance the warrant of execution has issued under which such goods or property have been taken, is dissatisfied with the determination, decision, or direction in point of law, or upon the admission or rejection of any evidence, of the court given in respect of any such goods or property, or in respect of the value or proceeds thereof, upon the hearing of any interpleader proceedings, such claimant or party may appeal from such determination, decision, or direction in the same manner as any party to an action brought under this Act may appeal from the determination or direction of the court in such action.” :

- XIX. By substituting for repealed section one hundred and thirty-eight, the following new section one hundred and thirty-eight :—

Section 138.

“**138**—(1) The general rules of practice contained in schedule (6) shall regulate the proceedings in the courts held under this Act as to all matters to which they

Rules of practice.

Local Courts.

A.D. 1934.

extend, and the judges of the Supreme Court may alter or annul any such rules of practice, and make further or additional rules for carrying this Act into effect.

(2) In any case not expressly provided for in this Act or the rules of practice, the general principles of practice in the Supreme Court shall be adopted and applied to actions and proceedings under this Act.”:

Schedules
(2) and (3).

XX. By expunging schedule (2) and schedule (3) (as inserted by the *Local Courts Amendment Act 1902*) and substituting therefor the following new schedule (3) :—

“(3)

	Where the amount claimed in action is									
	Not above £10.		Above £10 and not above £25.		Above £25 and not above £50.		Above £50 and not above £75.		Above £75 and not above £100.	
	s.	d.	s.	d.	s.	d.	s.	d.	s.	d.
Entering every plaint, including the issuing of summons	1	0	5	0	7	6	10	0	15	0
For every copy summons (including summons to witness) issued after the first	1	0	2	0	3	0	4	0	5	0
Hearing fee	2	6	5	0	7	6	10	0	15	0
Judgment by consent or default	2	6	5	0	7	6	10	0	15	0
Entering defence, including defence to a garnishee order	2	0	3	0	3	0	5	0	5	0
Summons (any number of witnesses)	0	6	1	0	1	6	2	6	2	6
Copy of particulars supplied by Registrar	0	6	1	0	1	6	2	0	2	6
Issuing warrant of execution	2	6	4	0	5	0	7	6	10	0
Taking recognisance bond or security for costs	0	6	1	0	1	6	2	0	2	6
Enquiry into sufficiency of sureties	0	6	1	0	1	6	2	0	2	6
Taxing costs	1	0	1	6	2	0	2	6	2	6
Issuing every summons (not otherwise specified) and every order made thereon	1	0	2	6	5	0	7	6	10	0
For every notice of trial by jury	10	0	10	0	15	0	17	6	20	0
Filing every affidavit, except an affidavit by a bailiff of service of any process	1	0	2	0	2	0	2	0	5	0

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“ In cases of execution of any warrant the actual expenses necessarily incurred by the bailiff in respect of such warrant shall be allowed by the court as costs in the cause.

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“ In cases of interpleader the summons to the bailiff shall be issued gratis in the first instance, and necessary expenses incurred by the bailiff in keeping possession of the goods shall be included in the general costs of the cause.

“ In actions for recovery of possession of corporeal hereditaments the fees shall be regulated by the rent or yearly value of the property, plus the amount claimed as rent or mesne profits.

“ In addition to the fees prescribed by the above table, there shall be payable in respect of every summons issued under this Act a fee for the service thereof, as follows :—

- I. Where the amount claimed in the action does not exceed ten pounds—one shilling : and
- II. Where the amount so claimed exceeds ten pounds—two shillings.”:

XXI. By expunging Rules 76, 77, 78, and 79 in Schedule (6) and substituting therefor the following rules :—

“ 76. Three days at least before the day appointed for the sale of any personal property under any process, a list of such personal property shall be affixed to or near to the front door of the courthouse of the district where the execution has been levied, and kept so affixed until the day of sale ; and where the sum to be levied amounts to ten pounds or upwards, notice of the intended sale, specifying the time and place thereof and the description of property to be sold shall, in addition, be advertised once in a newspaper three days at least before the day of sale.

Schedule (6).

New rules 76, 77, 78. [2 Ed. VII. No. 19, s. 10.]

“ 77. Fourteen days at least before the day appointed for the sale of any land under any process, notice of such intended sale, specifying the time and place thereof, describing the property to be sold, as to situation, name, boundaries or abutments, quantity, and nature, shall be advertised once in the Gazette and once in a newspaper.

Section 106.

“ 78. In the case of the sale of property seized under any warrant of execution in or upon any dependency of this State, where communication with the mainland is uncertain, it shall not be necessary for notice of the intended sale to be advertised as directed by the two preceding rules ; but in lieu of such notice by advertisement notice of such intended sale may be affixed to some building upon or nearest to the place where such property shall be seized. ’:

Section 106.

Local Courts.

A.D. 1934.

Schedule
(7),
Form 67.Further
amend-
ment of
60 Vict.
No. 48.
Amend-
ment of 23
Geo. V. No.
58, first
schedule.

XXII. By deleting the words "and if the plaintiff shall then accept the same" occurring in Form 67 in schedule (7)".

4 The Principal Act is further amended as set out in the second schedule.

5 The first schedule to the *Supreme Court Civil Procedure Act* 1932 is hereby amended as from the commencement of that Act by expunging therefrom the items commencing (in the first column) with the regnal year and number of the enactments following, namely: 60 *Victoria* No. 48; 62 *Victoria* No. 43; 63 *Victoria* No. 35; 64 *Victoria* No. 31.

Local Courts.

A.D. 1934.

Section 2.

THE FIRST SCHEDULE.

Regnal Year and Number.	Title of Act.	Extent of Repeal.	Enactments of which the Effect is Preserved notwithstanding Repeal.
36 Vict. No. 1	<i>An Act to amend the Law relating to Interest on Judgments.</i>	The whole Act	
55 Vict. No. 24	<i>The Crown Redress Act 1891</i>	The whole Act	
60 Vict. No. 48	<i>The Local Courts Act 1896</i>	Sections 3, 4, 5, 6, 12, 17, 18, 19, 23, 32, 32A, 62, 65, 66, 67, 74, 78, 79, 98, 123, 124, 125, 126, 138, 148 Schedule (6), Rules 82 to 87 inclusive Schedule (7), Forms 30 to 35 inclusive, 42, 43	
62 Vict. No. 43	<i>The Local Courts Amendment Act 1898</i>	The whole Act	Sections 4 and 6
63 Vict. No. 35	<i>An Act to further amend the Local Courts Act 1896</i>	The whole Act	
64 Vict. No. 31	<i>The Local Courts Amendment Act 1900</i>	The whole Act	
2 Ed. VII. No. 19	<i>The Local Courts Amendment Act 1902</i>	The whole Act	Sections 7 and 8
3 Ed. VII. No. 19	<i>The Legal Procedure Act 1903</i>	The whole Act	
1 Geo. V. No. 50	<i>The Local Courts Amendment Act 1910</i>	The whole Act	Sections 2, 3, and 4
8 Geo. V. No. 16	<i>The Local Courts Amendment Act 1917</i>	The whole Act	
9 Geo. V. No. 39	<i>The Local Courts Amendment Act 1918</i>	The whole Act	Sections 2 and 3
13 Geo. V. No. 31	<i>The Local Courts Act 1923</i>	The whole Act	

Local Courts.

A.D.1934.

THE SECOND SCHEDULE.

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON THE SUPREME COURT CIVIL PROCEDURE ACT 1932 AND FOR PURPOSES OF REVISION.

Section and Schedule Amended.	How Amended—
In—	By deleting the words—
Section 20 (as amended by 9 Geo. V. No. 39, s. 3)	“ or a judge ” and “ or judge ” wherever occurring
Section 21	“ Court ” (in the fifth line) and substituting therefor the word “ Commissioner ”
Section 22	“ Provided ” to the end of subsection (1)
Section 25	“ and where ” (first occurring) to the end of the section
Section 26	“ judge ” and substituting “ Commissioner ”
Section 33A	“ of the Governor ” and “ from time to time ”
Section 39	“ in its common law jurisdiction ”
Section 40	“ or judge ”
Section 46	“ a judge ” and substituting “ the Commissioner ”
Section 47	“ a judge ” and substituting “ the Commissioner ”
Section 51	“ or judge ” wherever occurring
Section 53	“ judge ” wherever occurring and substituting “ Commissioner ”
Section 54	“ Court or judge ” and substituting “ Commissioner ”; deleting “ its or ”; “ judge or a ” and substituting “ any ”; deleting “ judge or a ” next occurring; “ of the Supreme Court ”; “ court or judge ” and substituting “ Commissioner ”; and deleting “ such court or judge ” and substituting “ the Commissioner ”
Section 59	“ or a judge ” and “ or judge ”
Section 70	“ or a judge ” and “ or judge ”
Section 73	“ a judge ” and substituting “ the Commissioner ”
Section 74	“ or a judge ”
Section 76	“ a judge ” and substituting “ the Commissioner ”; and “ or judge ” and substituting “ Commissioner ”
Section 81	“ judge ” and substituting “ Commissioner ”
Section 82	“ in any other jurisdiction ”
Section 83	“ or a judge ” and “ or judge ” and all the words after the word “ manner ” in the eighth line to the end of the section
Section 84	“ judge ” (wherever occurring, except where first occurring in line 4) and substituting in each case “ Commissioner ”; and by deleting the words “ or a judge ” where first occurring in line 4
Section 89	“ judge ” and substituting “ Commissioner ”
Section 90	“ or judge ” wherever occurring
Section 91	“ or judge ” and “ or he ”
Section 92	“ or judge ” wherever occurring

Local Courts.

1891-1914
A.D. 1934.

Section and Schedule Amended.	How Amended—
In—	By deleting the words—
Section 94	“colony” and substituting “State”
Section 97	“or a judge” and “it or he”
Section 100	“or a judge”; and “Colony” and inserting “State”
Section 101	“or judge” (wherever occurring) and “or a judge”
Section 103	“or a judge” and inserting “the Commissioner”
Section 105	“judge of the Court” and substituting “Commissioner”; “judge” (wherever occurring) and substituting “Commissioner”
Section 108	“judge” and substituting “Commissioner”
Section 111	“or judge”; and by deleting “judge” in the last line and substituting “Court”
Section 112	“or a judge” and “or judge” (wherever occurring); “or he”; “or him”; and “or his” in subsections (1) and (2); “a judge” and substituting “the Commissioner” in subsection (3)
Section 114	“judge” wherever occurring and substituting “Commissioner”
Section 115	“of Requests” to “Sessions”
Section 116	“mean and”; and “not” to “also”
Section 126	“except where held before a judge of the Supreme Court”
Section 127	“judge” in lines 1, 5, and 10 respectively and substituting in each case “Commissioner”
Section 128	“hereto”
Section 130 (as amended by 1 Geo. V. No. 50) ..	“judge” and substituting “Commissioner”
Section 131	“from time to time”
Section 132	“from time to time”; “of the colony”; and “said” wherever occurring before “Treasurer”
Section 133	“a judge” and substituting “Commissioner”
Section 134	“hereto”
Section 135	“Court or a judge” and substituting “Commissioner of a Court of Requests” and deleting “to this Act”
Section 136	“otherwise than under this Act” and “otherwise than in its Local Courts jurisdiction”
Section 137	“judge” (first occurring) and substituting “Commissioner”; and by deleting “in its common law jurisdiction”
Section 139	“a judge of”
Section 140	“judge” in line 1; and “judge” in line 10 and substituting “Commissioner”; and deleting “or house of correction” wherever occurring
Section 141	“or a judge” and substituting “the Commissioner”
Section 142	“or judge” (wherever occurring) and substituting “Commissioner”; “by and”; and “in the mode” to “Act”
Section 143	“Public”; and “of the State”
Section 144	“and all” to “alone”

Local Courts.

A.D. 1934.

Section and Schedule Amended.	How Amended—
In—	By deleting the words—
Section 145	“ judge ” wherever occurring and substituting “ Commissioner ”
Section 149	“ the defendant ” to “ evidence and ” and “ previous ” and substituting “ prior ”
Schedule (6) (Rules of Practice)	
Rules 21, 80, 81, 88	“ judge ” or “ judge’s ” wherever occurring and substituting “ Commissioner ” or “ Commissioner’s ” (as the case may be)
Rule 34	“ Judge ” and substituting “ Commissioner ”; and “ a judge ” and substituting “ the Commissioner ”
Rules 20, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 65, 66, 69, 71	“ judge ” or “ a judge ” wherever occurring and substituting in each case “ Commissioner ” or “ the Commissioner ” respectively.
Schedule 7 (Forms), Heading to Form 1	from title of court “ In the Supreme Court of Tasmania, Local Courts Act Jurisdiction ” and the word “ or ” next thereafter
Wherever occurring after the word “ Municipality ”	“ proclaimed under the provisions of the <i>Local Government Act 1906</i> ” (inserted by the <i>Local Courts Amendment Act 1910</i>)
Wherever occurring after the word “ Governor ”	“ In Council ”
Wherever occurring after the words “ Justice,” “ Justices,” or “ General Sessions ” respectively	“ of the Peace ”
Wherever occurring after “ Schedule ” followed by a number	“ hereto ”
Wherever occurring in Sections 8, 10, 11, 13, 15, 22, and 33A (inserted by the <i>Local Courts Amendment Act 1918</i>)	“ from time to time ”
Wherever occurring	“ colony ” and substituting “ State ”
Section 56	And by inserting the words— “ if so required ” after the word “ served ” in the third line