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***Civil Proceedings Act* 2011**

Background and Analysis by Judge McGill SC

On 6 December 2011 the *Civil Proceedings Act*, No. 45 of 2011, received royal assent. The Act is an important milestone. It is the culmination of many years' work by the Rules Committee, and is an important development in the legislative basis of the Supreme Court, and for civil proceedings in Queensland.

It has been a long time coming. In 1973 the then government asked the then relatively new Law Reform Commission[1] to give some priority to reviewing the statutes dealing with the Supreme Court and civil procedure.[2] Work was done on this from time to time, including by Mr Glen Williams, then of the bar, who later became a member of the Commission and a Supreme Court judge, and ultimately a report was presented in 1982,[3] which was not implemented. In 1991 another new Act was passed, implementing the policy agenda of the then government, but not making more general changes, or dealing with procedural law.

In 1995 the legislature gathered up all of the statutes dealing with the Supreme Court, or Supreme Court procedure, apart from the *Supreme Court of Queensland Act* 1991, and incorporated them into the *Supreme Court Act* 1995.[4] At that stage apparently no attempt was made to go through the existing Acts and sort out what was obsolete, or to put what was still useful into contemporary terms. The 1995 Act includes a large number of provisions dealing with the organisation and operation of the Supreme Court, as well as provisions dealing with procedural law and some provisions dealing with substantive law.

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1 Established by the *Law Reform Commission Act* 1968.

2 Queensland Government Gazette, 17 February 1973, p 1310.

3 Queensland Law Reform Commission Report No. 32 (1982).

4 Technically the *Supreme Court Act* 1921 was renamed and the other legislation was consolidated into it without being re-enacted: s 2. This gave some undeserved prominence to the 1921 Act, probably the most conspicuously unsuccessful piece of procedural reform ever in Queensland.

In 1998, legislation[5] which amended the 1991 Act provided for the establishment of the Rules Committee to finalise the terms of the Uniform Civil Procedure Rules and to oversee their operation after they came into force in 1999. That is the main thing the Rules Committee has been doing ever since, but another function given to it was to advise the minister about what should be done with the 1995 Act.[6] The *Civil Proceedings Act* is based on a draft bill prepared by the Rules Committee and forwarded as part of its advice last year.[7] Until August 2007 Mr Justice Williams chaired the Rules Committee and in that advice the Rules Committee acknowledged that its draft bill stood as a monument to his expertise in this area and zeal for reform.

The new Act essentially does three things. First, it repeals the 1995 Act. Second, it re-enacts in modern terms those parts of the 1995 Act which were worth keeping, mostly in this Act, but sometimes by inserting new provisions into other Acts. Third, it includes all of the provisions dealing with the establishment and operation of the Supreme Court in the 1991 Act, while removing from the 1991 Act to this new Act matters dealing with civil procedure. There are also some consequential amendments, including amendments to the *District Court of Queensland Act* 1967, the *Magistrates Act* 1991 and the *Magistrates Courts Act* 1921 in order to provide sections dealing with particular matters in identical or similar terms across all three courts. This was essentially just a matter of tidying up the legislative drafting. In addition, some matters which previously appeared in all three Acts, such as the provisions dealing with alternative dispute resolution, were moved to the new Act, so they are only set out once.

Some of the parts tacked on by the department amending other legislation have commenced, but none of the parts which were recommended by the Rules Committee have yet been proclaimed to commence. The Rules Committee is still finalising the terms of consequential amendments to the UCPR, and in any event for practical purposes nothing can be done now until after the election.

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5 *Civil Justice Reform Act* 1998, which also inserted into the 1991 Act a number of sections dealing with civil procedure in all three state courts: s 17.

6 1991 Act s 118C(2)(a), inserted by s 21.

7 The amendments to particular Acts made by Part 32 of the bill were not the product of the work of the Rules Committee; these amendments were incorporated by the department to implement government policy as a matter of convenience rather than putting them in a separate bill. I understand that all of the debate which occurred while the bill was before parliament was focused on these parts of it, the recommendations of the Rules Committee being uncontroversial.

One difficult part of the committee's work was determining which provisions in the 1995 Act were obsolete and could be repealed. Often the difficulty lay not so much in deciding that a provision was obsolete, but in being able to explain exactly why it was obsolete. In the 19th century there was a rash of legislation reforming court procedure in England, most of which was dutifully copied in New South Wales prior to separation, and in Queensland after separation. A good deal of pre-separation reforming statutes of this kind were inherited from New South Wales, but a series of Acts, apparently drawn by Cockle CJ, were passed in 1867 which re-enacted most of these reforms.[8]

Later reforms were also copied, but frequently it seems when new provisions were enacted the legislature was less than assiduous about removing provisions which had become obsolete as a result of those changes. Hence, a large number of statutory provisions dealing with reforms to the pre-*Judicature Act* system became obsolete once the *Judicature Act* 1876 was passed, but that Act, though undoubtedly welcome and useful, did not do any tidying up of the obsolete legislation. It may be that in the 19th century there was concern about the use of transitional provisions which are now commonplace, preserving repealed legislation for the purposes of finishing up matters commenced or dealing with rights arising prior to the repeal. We found provisions from early legislation which appeared to have been left just because of the perception that things which had been done under that legislation would otherwise be rendered invalid.

The *Judicature Act* system, dealing with the procedural fusion of law and equity, remains the cornerstone of current Queensland civil procedure, and its essential statutory provisions are contained in Part 2 of the Act, largely copied in drafting terms from the current equivalents in New South Wales or in England. The provision for equitable damages, which was apparently inadvertently repealed many years ago, has been reinstated in s 8.[9] The provision for statutory mandamus, which was preserved in the 1995 Act notwithstanding the enactment of the *Judicial Review Act* which abolished the prerogative writ of mandamus, has been retained in a modern form in s 11. Sections 10, 11 and 12 in terms apply only to the Supreme Court, but that means that they confer power only on the Supreme Court. For the purposes of a matter which is otherwise within the jurisdiction of the District Court, s 69 of the *District Court of*

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8 See McPherson "Supreme Court of Queensland" (Butterworths 1989) p 64.

9 See *Barbagallo v J&F Catelan Pty Ltd* [1986] 1 Qd R 245 at 251.

Queensland Act 1967 gives the District Court the powers of the Supreme Court, which will include the powers conferred by these sections.

Part 3 contains in s 15 a general power on the part of all three courts to award costs in all proceedings which are within the scope of the Act, that is, civil proceedings and proceedings in relation to contempt of court: s 3. The Supreme Court had a general power in s 221 of the 1995 Act, but there seems to have been no general statutory basis for an award of costs in civil proceedings in either of the other courts, although effective powers were usually available under the rules.[10] This tidies up the position.

Most of the rest of Part 3 contains procedural provisions previously included in the 1991 Act. One of two exceptions is that there has been included in s 20 a provision for a statutory setoff based on a similar section in New South Wales.[11] For a long time there has been no statutory provision dealing with setoff in Queensland,[12] but the Rules Committee thought that it was desirable, bearing in mind the existence of statutory provisions in other states, for Queensland to have such a statutory provision. Section 20 deals with the scope of statutory or legal setoff; it does not exclude the existence or modify the operation of equitable setoff. The other new provision in this part is s 24, which contains a statutory provision based on the New South Wales equivalent[13] which effectively codifies an equitable jurisdiction that a court able to give equitable relief had anyway,[14] to permit the recovery of a chattel the subject of a claim of a lien on the provision of substitute security.

At the present time the 1991 Act and the *District Court Act* contain provisions for the transfer of proceedings between the Supreme Court, the District Court and the Magistrates Courts. Part 4 of the new Act contains provisions dealing generally and in a systematic way with the transfer of proceedings between the three state courts, so that once the Act is proclaimed to commence it will be necessary to refer to this part when dealing with any application for transfer. One matter that is of some significance is s 29, which deals with a situation where there is a counterclaim otherwise beyond the

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10 *Colburt v Beard* [1992] 2 Qd R 67 at 68, re District Court.
11 *Civil Procedure Act* 2005 (NSW) s 21.
12 See *Forsyth v Gibbs* [2008] QCA 103 n1.
13 *Supreme Court Act* 1970 (NSW) s 74.
14 *Re DA Story Pty Ltd* [1993] 2 Qd R 355.

jurisdiction of the court. The District Court mechanism currently in s 86 is made general in application so that that approach will also apply in the Magistrates Court. Practitioners need to be aware of that because I believe it represents a change from the present position, where the Magistrates Court I believe has no jurisdiction to entertain a counterclaim beyond its ordinary jurisdiction.

Part 5 contains provisions dealing with conferences moved from the 1991 Act. Part 6 contains the ADR provisions which were previously included separately in the three Acts for the three courts, but are otherwise essentially in the same terms, of course there is no longer any provision for court approval of mediators or case appraisers. Part 7 contains provisions dealing with non-compliance with a subpoena. There are provisions presently in the 1995 Act applying generally to criminal as well as civil matters, but so far as civil matters are concerned these were superseded by provisions in the 1991 Act. Now Part 7 will contain the provisions applicable in civil matters, while the *Criminal Code* has been amended by Part 17 s 114 to insert identical provisions into it dealing with criminal matters.

Part 8 reproduces the provisions currently in ss 47 and 48 of the 1995 Act dealing with interest up to and on judgments, essentially in the same terms although there has been some slight modernisation of language. Part 9 reproduces ss 15 and 16 of the 1995 Act, although the terminology has been modernised, particularly in s 61 where the anomaly of the inaccurate reference to actuarial tables has been removed. Part 10 now contains the legislation dealing with *Lord Campbell's Act* actions, i.e. wrongful death proceedings, previously in the 1995 Act, essentially in the same terms as they currently are; these provisions were revised by the legislature in 2004.

Part 11 contains provisions which essentially mirror provisions in the *Navigation Act* 1912 (Cwlth) so as to ensure that the law in relation to apportionment of liability in claims arising out of collisions of ships is the same whether the commonwealth legislation or the state legislation applies. This brings Queensland into line with most of the other states.[15] The 1995 Act contained a provision from the *Judicature Act* preserving in the common law courts the rule in the old admiralty courts as to

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[15] Victoria, South Australia, Western Australia and Tasmania.

apportionment of liability in the case of collisions between ships, but the Queensland legislation had never caught up with subsequent legislative developments in this area. It now has.

Part 12 re-enacts provisions currently in the 1991 Act dealing with costs assessors,[16] and broadens them to include account assessors, that is, persons appointed to assess estate or trust accounts under the rules; this function is also to be "outsourced" by the registry. Otherwise, the provisions essentially reproduce the current provisions in the 1991 Act.

Part 13 contains a number of provisions dealing with enforcement of judgments, most of which reflect the provisions of the 1991 Act, although ss 80, 81 and 82 re-enact in modern language provisions previously found in the 1995 Act dealing with the various judgments which can be obtained in an action to recover goods.[17] To some extent, these sections supersede provisions in the rules which are to be amended to reflect this. Otherwise, the provisions in this part essentially re-enact provisions currently in the 1991 Act.

Part 14 contains two provisions which were previously in the 1991 Act, the provision from the 1995 Act excluding an order for a new trial because of the way in which a court has ruled in relation to stamp duty, in modernised terms (s 106), and a regulation power: s 107. Part 15 contains transitional provisions in conventional terms.

Part 16 amends the *Civil Liability Act* 2003 so as to reword s 57, the section dealing with the discount rate to be applied when that Act applies, essentially to bring it into line with the rate applying under s 61 of the new Act, and also to remove the anomalous reference to actuarial tables.

Part 17, apart from inserting the provisions dealing with a witness failing to respond to a subpoena, makes a couple of amendments to remove references to circuit courts, which were abolished a long time ago, and inserts a provision which was previously in the 1995 Act permitting the Attorney-General to issue a warrant to release a person

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16 Sections 93LA, 93LB, 93LC.

17 Section 80 is similar to the *Civil Procedure Act* 2005 (NSW) s 93(1).

detained in custody on the charge of an indictable offence where a decision has been made not to proceed with the charge. Although it is unlikely that the need for such a warrant would arise in modern conditions, the Rules Committee preferred to preserve the power which is appropriately located in the Criminal Code.

Part 18 contains amendments to the *District Court of Queensland Act* 1967, which are essentially consequential on some of the amendments made to the *Supreme Court of Queensland Act* 1991, in the sense that they bring provisions dealing with the same topic in both Acts into line by putting them in the same terms. For example, they introduce in the District Court the single registry system which already operates in the Supreme Court, and which has therefore for practical purposes already been operating in the District Court anyway because in places where there are both Supreme and District Courts the single registry system has been in force for some time. The provisions dealing with judicial registrars are removed from the *District Court Act*, and there is some tidying up of the other provisions. A statutory basis for the commercial list has been included. One significant change is that the current restriction in the Supreme Court on an appeal from an order made by consent, or an appeal only in relation to costs, where the leave of the court concerned is required, has been extended to the District Court: see new ss 118A and 118B inserted by s 140.[18] Some provisions which were in the 1991 Act but applied to all three courts have been moved into this Act as well.

Part 19 amends the *Evidence Act* to provide a statutory basis for what was previously included in r 394, allowing a fact not seriously in dispute or where strict proof would cause unnecessary or unreasonable expense, delay or inconvenience to be proved other than strictly in accordance with the rules of evidence. This is to avoid any possible argument that such a provision was beyond the rule-making power. In addition, s 129B contains a provision replacing s 49 of the 1995 Act, but redrafted in a way influenced by the equivalent New South Wales provision, the *Evidence Act* 1995 (NSW) s 36, dealing with a technical point about whether a person in fact present can be required to give evidence if no subpoena has been issued.

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[18] There are examples of cases where people have in the past failed to realise that these restrictions did not apply in the District Court, and where parties have applied for such leave, and indeed obtained it: e.g. *Peterson-Walls v FAI General Insurance Co Ltd* [1995] 1 Qd R 282 at 285.

Part 20 contains an amendment to the *Judges (Pensions and Long Leave) Act* 1957 because there are still some individuals who were formerly masters of the Supreme Court, and inserting this provision will enable the provisions dealing with masters in the 1995 Act to be repealed.

Part 21 inserts a provision into the *Jury Act* which is currently found in the 1995 Act s 259 but which should more appropriately appear in the *Jury Act*, inserts into the Act a provision currently found in UCPR r 494 for dispensing with trial by jury in certain circumstances, again to avoid any argument that the provision is beyond the rule-making power, and contains some other minor tidying up of that Act.

Part 22 amends the *Justices Act* 1886, to bring the provision for court seals into line with what will be the standard provision for the three courts, to insert a provision which was previously in the 1991 Act, and to make an amendment to s 222 dealing with appeals to the District Court which complements one other reform of the *District Court Act*, the repeal of the section which contains the last vestiges of the "venue of appeals" legislation. Briefly, after the reinstatement of District Courts and the transfer to them of appeals under s 222 there were provisions which were initially quite restrictive as to where such appeals could be heard.[19] There has been a progressive liberalising of those provisions over the years, but the last traces of them have now been removed, and except when the appellant is in custody, under the new Act an appeal under s 222 can be filed in the District Court anywhere. Practitioners, however, should be discouraged from any creative selection of venue in the exercise of this power, because the court will readily exercise its power to change the venue of the appeal to an appropriate venue.

Part 23 contains a consequential amendment to the *Land Court Act* because of the transfer of the ADR provisions to this Act, and to reflect the change in name, which I will refer to shortly, of the major Supreme Court districts to regions. Part 24 contains some consequential amendments to the *Law Reform Act* 1995 to change sections which previously referred to the *Supreme Court Act* 1995, and to tidy up the drafting of ss 6 and 8. Part 25 inserts in the *Magistrates Act* 1991 a provision in the same terms as the

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[19] *District Courts Act* 1958 s 155; *District Courts Act* 1967 s 95(4).

provisions for the Supreme and District Courts dealing with a situation where a magistrate becomes unable to continue the hearing of a proceeding after it has started.

Part 26 contains some amendments to the *Magistrates Courts Act* 1921 essentially to remove the provisions which have been moved to the new Act, those about ADR for example, and to bring certain provisions into line with provisions for the Supreme and District Courts included in this Act. Part 27 amends the *Succession Act* 1981 to change a reference to the 1995 Act to the new Act.

Part 28 makes extensive amendments to the *Supreme Court of Queensland Act* 1991. Essentially all of the provisions which were not specific to the Supreme Court, particularly provisions currently in part 7, have been moved to the *Civil Proceedings Act*, along with the ADR provisions in Part 8. The opportunity has been taken to tidy up the 1991 Act, by removing some provisions which were obsolete because they are essentially transitional provisions in relation to the Full Court, or because they referred to the first judges of appeal, all of whom have now retired, or otherwise are of no continuing relevance. There has been some rearrangement of provisions so as to provide a more systematic layout for the Act, provisions of continuing relevance from the 1995 Act which are specific the Supreme Court have been incorporated into the Act, and there has been some updating of the wording of some sections. To provide a further complication, the Act has been comprehensively renumbered, so that many sections which have been there all along and were not amended now have new numbers.

The only real change is a change in nomenclature. At the present time the Supreme Court has two kinds of district, the Central, Northern, and Far Northern districts which are currently provided for in the 1995 Act, and the districts associated with places where there is no resident judge but where a judge will visit on circuit, places where the court was formerly described as the circuit court, although that terminology has been dropped years ago. Using the term "district" to refer to both of these[20] is inconvenient and confusing, so the districts which represent those parts of the state within which there is a resident judge have been renamed regions. Once these amendments commence, it will

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[20] This dates from the 1921 Act, s 6; the Act also abolished the old District Courts: s 3. The Act, in s 7, confirmed the use of the term "district" for the Southern, Central and Northern districts, although previously they were ordinarily referred to as "Divisions": McPherson, op cit, p 319.

be appropriate to speak of the Southern Region, Central Region, Northern Region and Far Northern Region, and the term district will be confined to the particular areas of land associated with each place where the court regularly sits. No changes have been made to the boundaries of what will become the regions or the existing districts.

I have attached to this paper a schedule setting out the sections of the 1991 Act, as renumbered following the amendments made by the *Civil Proceedings Act*, with in each case an indication of where the section was prior to the amendments made by the *Civil Proceedings Act*. I hope that will be useful to people trying to find their way around the new Act.

Part 29 then repeals the 1995 Act. Part 30 contains something that I do not recall ever having seen before; it is a provision which amends the Act in which it is contained. There have in the past been Acts which have been amended prior to their commencement, and Acts which after they commenced have been amended retrospectively as from the time of their commencement, but I am not aware of a previous example of a situation where an Act has been amended by the Act itself. The only other thing I want to say about this part is that the Rules Committee had nothing to do with it.

Part 31 provides for Schedule 1A which makes consequential amendments to various Acts which refer to the 1995 Act, mostly to change the reference to the new Act but occasionally to make more substantial changes. I do not think any of these are of sufficient practical significance to justify mentioning them. Part 32 contains other amendments put in by the department which I will not say anything about. Some of these have already commenced.

I am also attaching to this paper a schedule which lists each section of the *Civil Proceedings Act* apart from formal provisions and those sections which just amend other Acts, and in each case indicates the source of the provision. Sometimes the existing provision was just moved to the new Act, sometimes the provision of the new Act was based on it but redrafted, and sometimes the connection is even more tenuous, for example if only a small part was retained. Statutes from elsewhere used for drafting guidance are also mentioned. Hopefully this will be of some assistance in tracking

down where the provisions come from, and getting some guidance as to their interpretation, in those cases where they are based on provisions which have been around for some time and therefore have some established law built up around them.

As a result of the enactment of this legislation there will be only one statute in Queensland dealing with the Supreme Court as a court, the 1991 Act, and one statute which deals generally with procedural matters in civil litigation across the three courts. It also deals with some substantive matters, such as interest on money claims and judgments, and wrongful death proceedings, which could perhaps have been put elsewhere, but which are included in the new Act largely because they previously featured in the 1995 Act, and of course had to be preserved.

The new Act is hopefully much more accessible than the 1995 Act, which was very difficult to use, since the sections were not arranged systematically, but simply represented the various surviving parts of such statutes which had at least some surviving provisions, arranged end to end. Even if one found an applicable section, there was no guarantee that there was no later section, originally in a later statute, which impacted on the operation of the earlier section or even rendered it irrelevant. Apart from that, the 1991 Act provided in s 134 that it prevailed over the *Supreme Court Act* 1995, and that the Uniform Civil Procedure Rules also prevailed over the 1995 Act. Hence, if you found something in the 1995 Act which you wanted to rely on, you still had to check that there was not something inconsistent in the 1991 Act or the UCPR. There is no equivalent provision in the *Civil Proceedings Act*, so in the event of inconsistency between the new Act and the UCPR, it will be the Act which prevails. The Rules Committee, however, is striving to ensure that there is no inconsistency; that is certainly the intention of the committee.

Broadly speaking, the new Act provides a more satisfactory statutory basis for the current system. For most purposes it will be business as usual, although the relevant statutory provision may be in a different place. Whether the greater accessibility of the statutory provisions touching on procedure leads to a more imaginative use of the procedures of the courts, only time will tell.

Civil Proceedings Act 2011

Source of Provisions

Section	Source
7	1995 Act s 244; *Supreme Court Act* 1981 (UK) s 49
8	*Equity Act* 1867 s 62; *Judicature (Northern Island) Act* 1978 (UK) s 92
9	1995 Act s 180, s 246; *Supreme Court Act* 1970 (NSW) s 66
10	1995 Act s 128; *Supreme Court Act* 1970 (NSW) s 75
11	1995 Act s 172+; *Supreme Court Act* 1970 (NSW) s 65
12	1995 Act s 246; *Supreme Court Act* 1970 (NSW) s 67
13	1991 Act s 79
14	1991 Act s 80
15	1995 Act s 221, extended to other courts
16	1991 Act s 81
17	1995 Act s 119 to some extent
18	1991 Act s 82
19	1991 Act s 83
20	*Civil Procedure Act* 2005 (NSW) s 21
21	(1) new; (2) 1991 Act s 116I
22	1991 Act s 85
23	1991 Act s 84
24	RSC O 58 r 9; *Supreme Court Act* 1970 (NSW) s 74
25	1991 Act ss 74(1), 75(1); 1967 Act ss 77, 82, 83
26	1967 Act ss 78, 79, 80
27	1967 Act ss 79, 82
28	1967 Act s 81, 85
29	1967 Act s 86
30	1967 Act ss 77(4), 78(4)
31	1991 Act s 75(2); 1967 Act ss 77(5), 78(5)
32	1967 Act s 87
33	1991 Act s 76; 1967 Act s 84
34	1991 Act s 77(3)
35	1991 Act s 77
36	1991 Act s 78

Part 6	1991 Act Part 8; 1967 Act Part 7; *Magistrates Courts Act* 1921 Part 5
55	1991 Act s 93I
56	1991 At s 93J
57	1991 Act s 93K
58	1995 Act s 47
59	1995 Act s 48
60	1995 Act s 15
61	1995 Act s 16
62	1995 Act ss 13, 21(3)
63	1995 Act s 18(2)
64	1995 Act s 17
65	1995 Act ss 19 & 21 for subsections (1) & (2), s 18(1) for subsection (5)
66	(new)
67	1995 Act s 23A
68	1995 Act s 23B
69	1995 Act s 23D
70	1995 Act s 23
71	*Navigation Act* 1912 (Cwlth) s 265A
72	*Navigation Act* 1912 (Cwlth) s 260
73	*Navigation Act* 1912 (Cwlth) s 261
74	*Navigation Act* 1912 (Cwlth) s 259
75	*Navigation Act* 1912 (Cwlth) s 263
77	1991 Act s 93LA
78	1991 Act s 93LB
79	1991 Act s 93LC
80	1995 Act ss 24, 25; *Civil Procedure Act* 2005 (NSW) s 93(1)
81	1995 Act ss 24, 25; UCPR r 897
82	1995 Act ss 24, 25; UCPR r 897
83	subsection (1) – *Supreme Court Act* 1970 (NSW) s 96; subsection (2) – 1995 Act s 26; subsection (3) – new
84	1991 Act s 86
85	1991 Act s 87
86	1991 Act s 89
87	1991 Act s 88

88	1991 Act s 91
89	1991 Act s 90
90	1991 Act s 93A
91	1991 Act s 92
92	1991 Act s 93
93	1991 Act s 93B
94	1991 Act s 93C
95	1991 Act s 93D
96	1991 Act s 93E
97	1991 Act s 93F
98	1991 Act s 93G
99	1991 Act s 93H
100	1991 Act s 93L
101	(new)
102	1995 Act s 216
103	1995 Act s 100
104	1991 Act s 93M
105	1991 Act s 93N
106	1995 Act s 36
107	(new)

Note:

1991 Act – *Supreme Court of Queensland Act* 1991

1995 Act – *Supreme Court Act* 1995

1967 Act – *District Court of Queensland Act* 1967

Supreme Court of Queensland Act 1991

Source of Provisions

New Section	Old Section	New Section	Old Section
1	1	34	33
2	2	35	34
3	6	36	35
4	11	37	36
5	16	38	37
6	14	39	39
7	15	40	70
8	128	41	40
9	1995 Act s 190	42	41
10	9	43	42
11	(new)	44	43
12	12	45	55
13	12A	46	56
14	13	47	1995 Act s 297
15	13A	48	57
16	(new)	49	58
17	118D	50	59
18	119A	51	60
19	119B	52	61
20	1995 Act s 272	53	1995 Act s 266A
21	23	54-56	1995 Act ss 267-269
22	22	57	1995 Act s 286
23	119D	58-60	(new)
24	21	61	68
25	26	62	69
26	27	63, 64	1995 Act s 253
27	27AA	65	(new)
28-32	28-32	66	1995 Act s 276
33	32A	67	(new)

68	1995 Act s 4
69	1995 Act s 210, 210A
70	93O
71	(new)
72	1995 Act s 286A
73	1995 Act ss 212, 213, 232
74	1995 Act ss 212, 213, 214, 273A
75	1995 Act s 233
76	1995 Act s 234
77	1995 Act s 210
78	116A
79	116B
80	116C
81	116D
82	116E
83	116F
84	116G
85	118
86	(new)
87	118A
88	118B
89	118C
90	1995 Act s 209
91	119C
92	120
93	130
94	136
95	141
96	(new)
Schedule 1	Schedule 1
Schedule 2	1995 Act Schedule 1
Schedule 3	1995 Act Schedule 2
Schedule 4	(new)
Schedule 5	Schedule 2