

Service and Execution of Process

No. 147 of 1968

An Act to amend the *Service and Execution of Process Act* 1901-1963 with respect to the Service of Process on certain Corporations, and with respect to the making of Regulations.

[Assented to 9 December 1968]

[Date of commencement, 6 January 1969]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Service and Execution of Process Act* 1968.

(2.) The *Service and Execution of Process Act* 1901-1963* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Service and Execution of Process Act* 1901-1968.

Writ of
summons may
be served in
any part
of the
Commonwealth.

2. Section 4 of the Principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) Subject to any rules of court that may be made under this Act, the service under this section of a writ of summons may be effected—

(a) in the same manner as if the writ were served on the defendant in the State or part of the Commonwealth in which the writ was issued; or

(b) without limiting the generality of the foregoing, where the writ of summons is to be served in a State or Territory of the Commonwealth on a corporation that—

(i) is incorporated under a law of that State or Territory relating to companies; or

(ii) is a foreign company for the purposes of, and is registered as such a company under, such a law of that State or Territory,

by leaving at, or by sending by post to, the place that is, for the purposes of that law, the registered office of the corporation the writ of summons or a copy of the writ of summons.”.

Proceedings
where no
appearance
entered.

3. Section 11 of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “and if it is” and inserting in their stead the words “and if one of the following is”;

* Act No. 11, 1901, as amended by No. 18, 1912; No. 29, 1918; No. 27, 1922; No. 26, 1924; No. 14, 1928; No. 45, 1931; No. 45, 1934; No. 22, 1945; No. 80, 1950; No. 48, 1953; No. 6, 1958; and No. 35, 1963.

(b) by omitting from paragraph (g) of sub-section (1.) the word “ or ” (last occurring); and

(c) by inserting after paragraph (h) of sub-section (1.) the following word and paragraph:—

“ or (i) that, in a case where the defendant is a corporation that—

(i) is incorporated under a law of a State or Territory of the Commonwealth relating to companies; or

(ii) is a foreign company for the purposes of, and is registered as such a company under, such a law, service of the writ was effected in the manner specified in paragraph (b) of sub-section (2.) of section four of this Act.”.

4.—(1.) Section 28 of the Principal Act is repealed and the following section inserted in its stead:—

“ 28. The Governor-General may make regulations, not inconsistent Regulations. with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for applying this Act, with or without modification, to, or in relation to, a Territory of the Commonwealth not specified in sub-section (1.) of section two of this Act.”.

(2.) The regulations in force under the Principal Act immediately before the commencement of this Act shall, after the commencement of this Act, be as valid and effectual as if made under the Principal Act as amended by this Act.
