

Queensland



ANNO NONO

ELIZABETHAE SECUNDAE REGINAE.

No. 38.

**An Act to Amend "The District Courts Act of 1958,"
in certain particulars.**

[ASSENTED TO 14TH DECEMBER, 1960.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1.) This Act may be cited as "*The District Courts Act Amendment Act of 1960.*" Short title.

(2.) "*The District Courts Act of 1958*" is in this Act referred to as the Principal Act. Principal Act.

(3.) The Principal Act and this Act may be collectively cited as "*The District Courts Acts, 1958 to 1960.*" Collective title.

(4.) Section three of this Act shall be deemed to have come into force on and from the fourth day of July, one thousand nine hundred and sixty, and shall operate retrospectively accordingly. Retro-spective operation.

Amendment
of s. 9.

2. Section nine of the Principal Act is amended by repealing the word "four" and inserting, in lieu of that repealed word, the word "six".

Amendment
of s. 15.

3. Section fifteen of the Principal Act is amended by repealing the words "Three thousand seven hundred and fifty" and inserting, in lieu of those repealed words, the words "Four thousand five hundred".

Amendment
of s. 41.

4. Section forty-one of the Principal Act is amended by repealing the comma and words " , and the fees for the service of a summons or subpoena shall be paid by the Registrar to the bailiff after service."

Repeal of
and new
s. 67.

5. Section sixty-seven of the Principal Act is repealed and in lieu of that repealed section, the following section is inserted:—

Consent
jurisdiction.

"[67.] If both parties agree, by a memorandum signed by them or by their solicitors, that any specified District Court shall have jurisdiction to try any action which might be brought or any counter-claim which might be made in the Supreme Court, that District Court shall have jurisdiction to try the action or counter-claim, or both.

The memorandum shall state that the parties signing it know that the action or as the occasion shall require, the counter-claim, is not within the jurisdiction of the District Court without such consent, and shall be filed with the Registrar in the case of an action at the time when the plaint is entered and in the case of a counter-claim, at the time the defence and counter-claim is filed or at such later time as a judge on application made in that behalf, may allow."

Amendment
of s. 73.

6. Section seventy-three of the Principal Act is amended by repealing the words "registered office", where they last occur, and inserting, in lieu of those repealed words, the words "principal place of business".

Amendment
of s. 110.

7. Section one hundred and ten of the Principal Act is amended by repealing the word "district", where it first occurs, and inserting, in lieu of that repealed word, the word "distance".

8. Section one hundred and fifty-five of the Principal Act is amended by inserting after the first paragraph the following paragraph :—

Amendment
of s. 155.

“ On and from the passing of “ *The District Courts Act Amendment Act of 1960*,” a Magistrates Court may not state in the form of a special case for the opinion of the Supreme Court any question of law arising in any case, but in lieu thereof may state in the form of a special case for the opinion of a District Court any such question of law, and the District Court shall have the same powers, authorities and duties as the Supreme Court had in respect of such a special case.”

Special case.

9. The marginal note to section one hundred and sixty-three of the Principal Act is amended by repealing the words “ Land to be brought under the provisions of the Real Property Acts upon registration of warrant of execution ” and inserting, in lieu of those repealed words, the words “ Execution not to bind land unless registered ”.

Amendment
marginal
note to
s. 163.

10. Subsection one of section one hundred and eighty-eight of the Principal Act is amended by repealing the word “ notices ”, where it occurs in subparagraph (i) of the second paragraph, and inserting, in lieu of that repealed word, the word “ notes ”.

Amendment
of s. 188 (1).