

POOR PERSONS LEGAL
REMEDIES ACT.

Act No. 36, 1918.

An Act to authorise judges to make rules regulating the practice and procedure of proceedings to which poor persons are parties, and the costs and fees payable in such proceedings; to amend certain Acts; and for purposes consequent thereon or incidental thereto. [Assented to, 5th December, 1918.]

George V,
No. 36.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Poor Persons Legal Remedies Act, 1918."

Short title.

2. For the purposes of this Act—

Definition.

The expression "Poor person" means any person who satisfies a judge of the Supreme Court (in the case of legal proceedings in that court) or a District Court judge (in the case of legal proceedings in that court) that he is not worth fifty pounds (excluding his wearing apparel, tools of trade, and the subject-matter of the legal proceedings to which he is a party), or such larger sum as the judge, under special circumstances, may direct.

"Prescribed" means prescribed by rules of court made under this Act.

3.

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3. (1) Rules of Court for the following purposes may be made:—

Rules.

For the purpose of—

- (i) enabling persons to take, or defend, or be a party to, proceedings in the court as poor persons; and
- (ii) regulating the practice and procedure, and all matters relating to fees and costs, in connection with such proceedings.

Supreme
Court.

(2) In the case of such proceedings in the Supreme Court, such rules may be made by the judges thereof or any three of them.

District
Court.

In the case of such proceedings in the District Court, such rules may be made by the District Court judges or any four of them.

Rules to be
laid before
Parliament,
who may dis-
allow any of
them.

(3) All such rules shall, immediately after the making thereof, be laid before both Houses of Parliament, if then sitting, or if not, within ten days of the next sitting thereof; and if either of the said Houses, by any resolution passed within thirty days after such rules have been so laid before it, resolves that any such rule, or any part thereof, ought not to continue in force, then such rule or part shall immediately cease to be binding.

Cause to which
a poor person is
a party not to
be set down for
hearing unless
by leave of a
judge.

4. (1) A cause to which a poor person is a party shall not be set down for hearing in the Supreme Court except by permission of a judge of such court obtained in the manner prescribed.

District Court
actions.

(2) A poor person shall not institute proceedings in the District Court against any person except by permission of a judge of such court obtained in the manner prescribed.

Judge may
act as
conciliator.

(3) Any judge to whom application for such permission is made, may send for either or both party or parties to such cause or action, and interview them separately or together, and act as a conciliator.

Conciliator not
to try cause
or action

(4) The judge to whom such application is made shall not try any such cause or action.