

**LAW REFORM (LAW AND EQUITY) ACT.**

**New South Wales**



ANNO VICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 28, 1972.**

An Act to provide that the rules of equity shall prevail over the rules of the common law in cases of conflict or variance; to extend the defences available in inferior courts; to repeal certain sections of the District Courts Act, 1912, and the Supreme Court Act, 1970; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

*Law Reform (Law and Equity).*

**B**E it enacted by the Queen's Most Excellent Majesty, by No. 28, 1972  
 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 "Law Reform (Law and Short title.  
 Equity) Act, 1972".
2. This Act shall commence on a day to be appointed Commence-  
 by the Governor and notified by proclamation published in ment.  
 the Gazette.
3. (1) Section seventy-four of the District Courts Act, Repeal  
 1912, is repealed, but this repeal does not affect proceedings and  
 commenced in a district court before the commencement of amendment.  
 this Act.
- (2) Section sixty-four of the Supreme Court Act,  
 1970, is repealed.
- (3) Section sixty-two of the Supreme Court Act, 1970,  
 is amended by inserting after the word "equity," the words  
 "and subject to section five of the Law Reform (Law and  
 Equity) Act, 1972,".
4. Sections five, six and seven of this Act do not apply Application.  
 in proceedings commenced in any court before the com-  
 mencement of this Act, but do apply in proceedings com-  
 menced after the commencement of this Act, no matter when  
 the events happen which give rise to the proceedings.

5.

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**No. 28, 1972**    **5.** In all matters in which there was **immediately before** the commencement of this Act or is any conflict or variance between the rules of equity and the rules of **common law** relating to the same matter, the rules of equity shall prevail.

Rules of equity to prevail.  
15 & 16  
Geo. 5,  
c. 49, s. 44;  
Act No. 52,  
1970, s. 64.

**6.** Every inferior court shall in every proceeding before it give such and the like effect to every ground of defence, equitable or legal, in as full and ample a manner as might and ought to be done in the like case by the **Supreme Court** under the Supreme Court Act, 1970.

Defence in inferior court.  
15 & 16  
Geo. 5,  
c. 49, s. 202.

**7.** This Act does not enlarge the jurisdiction of any court as regards the nature or extent of the relief available in that court, but any court may, for the purpose of **giving effect** to sections five and six of this Act, postpone the **grant of any relief**, or grant relief subject to such terms and **conditions** as the nature of the case requires.

Jurisdiction as to relief not enlarged.