

**DISTRICT COURT (FRUSTRATED CONTRACTS)
AMENDMENT ACT, 1978, No. 107**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 107, 1978.

An Act to amend the District Court Act, 1973, to confer jurisdiction on the District Court of New South Wales with respect to certain matters arising under the Frustrated Contracts Act, 1978. [Assented to, 20th December, 1978.]

District Court (Frustrated Contracts) Amendment.

BE it enacted by the Queen'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 :—

Short title. **1.** This Act may be cited as the "District Court (Frustrated Contracts) Amendment Act, 1978".

**Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified under section 2 (2) of the Frustrated Contracts Act, 1978.

**Amendment
of Act No.
9, 1973.** **3.** The District Court Act, 1973, is amended—

**Sec. 3.
(Division
of Act.)** (a) by omitting from the matter relating to Subdivision 2 of Division 8 of Part III in section 3 the words "*and equity*" and by inserting instead the words "*, equity and other*";

**Part III.
(The civil
jurisdiction
of the
Court.)** (b) by omitting from the heading to Subdivision 2 of Division 8 of Part III the words "*and equity*" and by inserting instead the words "*, equity and other*";

Sec. 134A. (c) by inserting after section 134 the following section :—

**Frustrated
contracts.** 134A. The Court shall have the same jurisdiction as the Supreme Court, and may exercise all the powers and authority of the Supreme Court, in proceedings under Division 4 of Part III of the Frustrated Contracts Act, 1978, where the claim does not exceed \$20,000 in amount or value, as determined by the Court.

District Court (Frustrated Contracts) Amendment.

(d) by inserting after section 135 (2) the following subsection :—

Sec. 135.
(Commence-
ment of
proceedings.)

(3) Proceedings in the Court under Division 4 of Part III of the Frustrated Contracts Act, 1978, shall be commenced—

- (a) where the defendant is resident or carries on business at a place in New South Wales—at the nearest proclaimed place to that place; or
 - (b) where paragraph (a) does not apply—at Sydney.
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