

**SUPREME COURT (COMMERCIAL DIVISION) AMENDMENT
ACT, 1985, No. 28**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 28, 1985.

An Act to amend the Supreme Court Act, 1970, for the purpose of establishing a Commercial Division of the Supreme Court, and for other purposes. [Assented to, 22nd April, 1985.]

Supreme Court (Commercial Division) Amendment 1985

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 "Supreme Court (Commercial Division) Amendment Act, 1985".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 52, 1970.

3. The Supreme Court Act, 1970, is amended in the manner set forth in Schedule 1.

Transitional provisions.

4. Unless the Supreme Court otherwise orders—

(a) any proceedings in the commercial list of the Court immediately before the commencement of this Act shall be deemed to be proceedings in the Commercial Division of the Court; and

(b) any other proceedings pending in the Court immediately before the commencement of this Act are not affected by the amendments made by this Act.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE SUPREME COURT ACT, 1970.

(1) Section 4—

Omit the section.

(2) (a) Section 38 (b) (vii)—

Omit “and”.

(b) Section 38 (b) (ix)—

After section 38 (b) (viii), insert:—

(ix) the Commercial Division.

(3) Section 41 (1) (h)—

After section 41 (1) (g), insert:—

(h) in the Commercial Division by such Judge or Judges as may be nominated by the Chief Justice to act in that Division.

(4) (a) Section 53 (1)—

Omit “and the Criminal Division”, insert instead “, the Criminal Division and the Commercial Division”.

(b) Section 53 (3E)—

After section 53 (3D), insert:—

(3E) Subject to the rules, there shall be assigned to the Commercial Division all proceedings of a commercial nature which are required by or under any Act, or by or in accordance with the rules, from time to time in force to be commenced, heard or determined in that Division.

(5) Part III, Division 3 (section 56)—

Omit the Division.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUPREME COURT ACT, 1970—*continued.*

(6) Section 76A—

After section 76, insert:—

Directions for the speedy determination of real questions in commercial proceedings.

76A. The Court may, from time to time, give such directions as the Court thinks fit (whether or not inconsistent with the rules) for the speedy determination of the real questions between the parties to proceedings in the Commercial Division.
