

SUPREME COURT (AMENDMENT) ACT 1987 No. 163

NEW SOUTH WALES



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SUPREME COURT (AMENDMENT) ACT 1987 No. 163

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Act No. 163, 1987

An Act to amend the Supreme Court Act 1970 in relation to the hearing of certain civil proceedings without juries. [Assented to 18 November 1987]

See also District Court (Amendment) Act 1987.

Supreme Court (Amendment) 1987

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Supreme Court (Amendment) Act 1987.

Commencement

2. This Act shall commence on the date of assent to this Act.

Amendment of Act No. 52, 1970

3. The Supreme Court Act 1970 is amended by omitting section 89 and by inserting instead the following section:

Common law claims—special provisions

89. (1) In any proceedings on a common law claim (except proceedings to which section 88 applies), the Court may order, despite sections 85, 86 and 87, that all or any issues of fact be tried without a jury.

(2) In any proceedings to which section 88 applies, the Court may order, despite that section, that all or any issues of fact be tried without a jury where—

- (a) any prolonged examination of documents or scientific or local investigation is required and cannot conveniently be made with a jury; or
- (b) all parties consent to the order.

(3) In any proceedings on a common law claim, issues of fact on a defence arising under—

- (a) section 63 (5) or section 64 (1) (c) of the Workers' Compensation Act 1926; or
- (b) section 150 (1) (e) of the Workers Compensation Act 1987,

shall, despite sections 85, 86, 87 and 88, be tried without a jury.

Supreme Court (Amendment) 1987

Application of amendment

4. The amendment made by this Act applies to proceedings pending in the Supreme Court at the commencement of this Act, as well as to proceedings commenced afterwards.