

# **DISTRICT COURT (AMENDMENT) ACT 1987 No. 164**

NEW SOUTH WALES



## **TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 9, 1973
4. Application of amendments

**SCHEDULE 1—AMENDMENTS**

---

**DISTRICT COURT (AMENDMENT) ACT 1987 No. 164**

NEW SOUTH WALES



**Act No. 164, 1987**

An Act to amend the District Court Act 1973 in relation to the hearing of certain civil actions without juries and the sale of property under writs of execution. [Assented to 18 November 1987]

*District Court (Amendment) 1987***The Legislature of New South Wales enacts:****Short title**

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

**Commencement**

2. (1) Except as provided by this section, this Act shall commence on the date of assent to this Act.

(2) Section 3, in its application to a provision of Schedule 1, shall commence on the date of commencement of the provision.

(3) Schedule 1 (3) and (4) shall commence on a day to be appointed by proclamation.

**Amendment of Act No. 9, 1973**

3. The District Court Act 1973 is amended as set out in Schedule 1.

**Application of amendments**

4. (1) The amendments made by Schedule 1 (1) and (2) apply to actions pending in the District Court at the commencement of those amendments, as well as to actions commenced afterwards.

(2) Subject to the rules of the District Court, the amendments made by Schedule 1 (3) and (4) extend to writs of execution issued before the commencement of those amendments.

**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

**(1) Section 77 (Questions of fact and law)—**

Section 77 (5) (a)—

Omit the paragraph.

**(2) Section 79A—**

After section 79, insert:

**Power to dispense with jury**

79A. In any action, the Court may order, despite sections 77, 78 and 79, that all or any questions of fact be tried without a jury.

**(3) Section 109 (Seizing and taking under writ of execution)—**

Section 109 (7)—

Omit “, in the case of land,”.

*District Court (Amendment) 1987*

---

SCHEDULE 1—AMENDMENTS—*continued*

## (4) Section 111 (Auctioneers)—

Omit “land” wherever occurring, insert instead “property”.