

Act No. 164

DISTRICT COURT (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Supreme Court (Amendment) Bill 1987.

The objects of this Bill are—

- (a) to empower the District Court to order that certain civil actions be tried without a jury; and
- (b) to extend the power to sell by auction under a writ of execution to any kind of property.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on assent, except for the amendments relating to the power of sale, which will commence on a day to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the Schedule of amendments.

Clause 4 (1) provides that the amendments relating to juries apply to pending proceedings as well as new proceedings. Clause 4 (2) provides that the amendments relating to the power of sale extend to writs of execution issued before the commencement of the amendments.

Schedule 1 (1) and (2) give effect to the object mentioned in paragraph (a) above. The amendments will empower the District Court to order that certain civil actions be tried without a jury.

The amendments will override section 78 (where a party requisitions a jury) and section 79 (running-down cases).

Schedule 1 (3) and (4) give effect to the object mentioned in paragraph (b) above. The amendments will remove certain references to "land" in section 109 (seizing and taking under writ of execution) and section 111 (auctioneers).

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The result is that any kind of property will be able to be sold by auction under a writ of execution, not merely land.
