

Law Reform (Law and Equity) Act 1972 No 28

[1972-28]



New South Wales

Status Information

Currency of version

Current version for 3 December 1999 to date (accessed 20 May 2024 at 22:14)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Responsible Minister

- Attorney General

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Law Reform (Law and Equity) Act 1972 No 28



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An Act to provide that the rules of equity shall prevail over the rules of the common law in cases of conflict or variance; to extend the defences available in inferior courts; to repeal certain sections of the [District Courts Act 1912](#) and the [Supreme Court Act 1970](#); and for purposes connected therewith.

1 Name of Act

This Act may be cited as the [Law Reform \(Law and Equity\) Act 1972](#).

2 Commencement

This Act shall commence on a day to be appointed by the Governor and notified by proclamation published in the Gazette.

3 Repeal and amendment

(1) Section seventy-four of the [District Courts Act 1912](#) is repealed, but this repeal does not affect proceedings commenced in a district court before the commencement of this Act.

(2), (3) (Repealed)

4 Application

Sections 5, 6 and 7 do not apply in proceedings commenced in any court before the commencement of this Act, but do apply in proceedings commenced after the commencement of this Act, no matter when the events happen which give rise to the proceedings.

5 Rules of equity to prevail

In all matters in which there was immediately before the commencement of this Act or is any conflict or variance between the rules of equity and the rules of common law relating to the same matter, the rules of equity shall prevail.

6 Defence in inferior court

Every inferior court shall in every proceeding before it give such and the like effect to

every ground of defence, equitable or legal, in as full and ample a manner as might and ought to be done in the like case by the Supreme Court under the [Supreme Court Act 1970](#).

7 Jurisdiction as to relief not enlarged

This Act does not enlarge the jurisdiction of any court as regards the nature or extent of the relief available in that court, but any court may, for the purpose of giving effect to sections 5 and 6, postpone the grant of any relief, or grant relief subject to such terms and conditions as the nature of the case requires.