

74. Court may transfer case to Magistrates Court

- (1) If an action or matter in the Court —
- (a) is within the Magistrates Court's jurisdiction;
 - (b) becomes within the Magistrates Court's jurisdiction because the claim in the action or matter is reduced by a payment into court, an admitted set-off, a judgment on part of the claim, or otherwise; or
 - (c) becomes within the Magistrates Court's jurisdiction because its jurisdiction is increased,

the Court may order that the action or matter be transferred to the Magistrates Court.

- (2) An order under subsection (1) may be made on the application of a party to the action or matter or by the Court on its own initiative.
- (3) If the Court makes an order under subsection (1) it may also make any other necessary orders including orders as to —
- (a) the registry of the Magistrates Court in which the action or matter is to be conducted;
 - (b) the payment of fees in the Magistrates Court; and
 - (c) the costs in the action or matter that relate to proceedings in the Court.
- (4) If the Court makes an order under subsection (1) the Principal Registrar is to send the Court's file to the registry of the Magistrates Court in which the action or matter is to be conducted.
- (5) If an action or matter is transferred to the Magistrates Court under an order made under subsection (1) that court is to deal with the action or matter as if it had been commenced in that court.

[Section 74 inserted by No. 59 of 2004 s. 83.]