

4. Repeal and Saving

- (1) The *Courts of Session Act 1921*, is hereby repealed.
- (2) Without affecting the application of the *Interpretation Act 1918*², to this Act, any proceeding, action, cause or matter respectively —
 - (a) commenced under the *Courts of Session Act 1921*, and pending or in progress on the date of the coming into operation of this Act, may be continued, completed and enforced as if this Act had not come into operation;
 - (b) commenced under the *Supreme Court Act 1935*, or the *Local Courts Act 1904*, and pending or in progress on that date, that could have been commenced under this Act in the Court, if this Act had been in operation, may be continued, completed and enforced under and subject to the *Supreme Court Act 1935* or the *Local Courts Act 1904*, as the case requires.
- (2a) Notwithstanding subsection (2), the Chief Justice of Western Australia may make an order, at any time after hearing the parties concerned, remitting to the Court any action that —
 - (a) is commenced under the *Supreme Court Act 1935*;
 - (b) is pending on the date of the coming into operation of the *District Court of Western Australia Act Amendment Act 1970*¹; and
 - (c) could have been commenced under this Act in the Court, if this Act had been in operation when the action was so commenced,unless a party to the action satisfies the Chief Justice of Western Australia that for good cause shown the action should not be remitted to the Court.
- (2b) The Chief Justice of Western Australia may make an order, at any time after hearing the parties concerned, remitting to the Court any action that —
 - (a) is commenced under the *Supreme Court Act 1935*;
 - (b) is pending on the date of the coming into operation of sections 8 and 12 of the *District Court of Western Australia Act Amendment Act 1972*¹; and
 - (c) could have been commenced under this Act in the Court, if those sections had been in operation when the action was so commenced,unless a party to the action satisfies the Chief Justice of Western Australia that for good cause shown the action should not be remitted to the Court.
- (2c) The Chief Justice of Western Australia may make an order, at any time after hearing the parties concerned, remitting to the Court any action that —
 - (a) is commenced under the *Supreme Court Act 1935*;
 - (b) is pending on the date of the coming into operation of Part I of the *Acts Amendment (Jurisdiction of Courts) Act 1976*¹; and
 - (c) could have been commenced under this Act in the Court, if that Part had been in operation when the action was so commenced,

unless a party to the action satisfies the Chief Justice of Western Australia that for good cause shown the action should not be remitted to the Court.

- (3) Where before the date of the coming into operation of this Act, a person has been ordered to be committed to take his trial for an indictable offence before the Supreme Court or a Court of Session, if —
- (a) the trial has not commenced before that date; and
 - (b) the indictable offence is one that after that date is triable in the Court,
- the person shall be deemed to have been ordered to take his trial for the indictable offence before the Court sitting at the place appointed for the holding of the Supreme Court or Court of Session, before which he was ordered to take his trial.
- (4) After the date of the coming into operation of this Act, the books and records of a Court of Session for a Division, shall be kept by the Registrar of the Court at the place or nearest the place where that Court of Session was held prior to that date, and that Registrar may certify for all purposes any such book or record or any copy thereof or extract therefrom, as if he were the Clerk of the Court of Session of that Division.
- (4a) The books and records of a Court of Session for a Division are deemed to be court records for the purposes of Part IX.
- (5) Where, on the date of the commencement of this subsection, there is constituted for a Circuit Court a jury district, the area of which is the same as that of a jury district that was constituted for a Court of Session, the Jurors' Book for the lastmentioned jury district that was last in use before that date —
- (a) shall be the Jurors' Book for the first-mentioned jury district until a new Jurors' Book is prepared for that jury district and each person whose name appears therein is, subject to the *Juries Act 1957*, a juror qualified and liable to serve as a juror at civil and criminal trials in the Circuit Court including the Court sitting in that jury district; and
 - (b) all things done before or being done on that date under Part IV of the *Juries Act 1957*, in relation to the preparation of a new Jurors' Book for the jury district for that Court of Session shall, after that date, be deemed to have been done or to be done in relation to the preparation of a new Jurors' Book for the jury district for the Circuit Court, including the Court.

[Section 4 amended by No. 14 of 1970 s.3; No. 40 of 1972 s.3; No. 69 of 1976 s.4; No. 122 of 1984 s.4.]