

SUPREME COURT.

3° Elizabeth II., No. XXI.

No. 21 of 1954.

AN ACT to amend the Supreme Court Act,
1935-1950.

[Assented to 7th October, 1954.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Supreme Court Act Amendment Act, 1954*. Short title and citation.

(2) In this Act the Supreme Court Act, 1935-1950, Act No. 36 of 1935 as amended by Acts Nos. 10 of 1945, 35 of 1945, 50 of 1946, 9 of 1947, 73 of 1948, 17 of 1949 and 35 of 1950,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Supreme Court Act, 1935-1954.

S. 4
amended.

2. Section four of the principal Act is amended by—

(a) adding after the interpretation “Jurisdiction” the following interpretation:—

“Master” means the Master of the Supreme Court appointed under the provisions of this Act and includes a duly appointed acting or Deputy Master: ;

(b) adding after the interpretation “Prescribed” the following interpretation:—

“Registrar” means the Registrar of the Supreme Court appointed under the provisions of this Act and includes a duly appointed acting or Deputy Registrar: .

S. 46
amended.

3. Subsection (2) of section forty-six of the principal Act is repealed and re-enacted as follows:—

(2) Sittings of the Supreme Court in a circuit district shall be held in each year on the days and at the place appointed for that year by a Rule of Court and on such other days during any year as the Chief Justice or, in his absence, the senior judge may appoint.

S. 120
amended.

4. Section one hundred and twenty of the principal Act is amended by substituting for the proviso to subsection (1) the following subsection:—

(1A) (a) The sale of any land, or right, title or interest of a person in the land under a writ of *feri facias* or other like process shall be made by public auction, of which at least seven days’ notice of the auction, the time when and the place where it is to be held, has been published in a newspaper circulating in the neighbourhood where the land is situated.

(b) Where the land or any part of it or any right, title or interest in the land remains unsold at the auction, it may, by leave of a Judge, be sold by public tender and on such conditions, if any, as the Judge deems fit.

5. Section one hundred and thirty-two of the principal Act is amended by— S. 132
amended.

- (a) substituting for all words in lines one and two of subsection (1) the following:—

Subject to subsection (3) of this section, where a person is by any judgment or order directed to do any act in a ;

- (b) adding a subsection as follows:—

(3) Where a judgment or order adjudges or orders payment of a sum of money into Court, it is not necessary to issue a writ of sequestration to enforce obedience to the order but the party entitled to enforce the order may issue a writ of *feri facias* to recover the amount of the judgment or order and the Sheriff after deducting the costs, fees and expenses of seizure and sale, shall pay into Court all sums of money recovered under the writ to answer the judgment or order.

6. Section one hundred and seventy-seven of the principal Act is amended by— S. 177
amended.

- (a) substituting for paragraph (b) of subsection (1) the following paragraph:—

(b) before—

(i) an Australian consular officer;
or

(ii) a British ambassador, envoy, minister, chargé d'affaires, secretary of embassy or legation, consul general, consul, vice-consul, acting consul, pro-consul, or consular agent,

exercising his function in that place;

- (b) adding at the end of subsection (1) the following interpretation:—

In this subsection "Australian consular officer" means a person appointed to hold or act in any of the following offices (being an office of the Commonwealth) in a country or place outside the Commonwealth, namely, Ambassador, High Commissioner, Minister, Head of Mission, Commissioner, Chargé d'Affaires, Consul or Secretary at an Embassy, High Commissioner's office, Legation or other post, Consul-General, Consul, Vice Consul, Trade Commissioner and Consular Agent.;

- (c) deleting the words "British includes Australian" in line two of subsection (6).
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