

## SUPREME COURT.

10° and 11° GEO. VI., No. L.

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No. 50 of 1946.

**AN ACT** to amend the Supreme Court Act, 1935, by making further provision for the enforcement of orders made by the Court directing payment of periodical sums; to amend sections one hundred and ten and one hundred and seventeen of the said Act, and for other relative purposes.

[Assented to 24th January, 1947.]

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

1. This Act may be cited as the *Supreme Court Act Amendment Act, 1946*, and shall be read as one with the Supreme Court Act, 1935 (as amended by Act No. 10 of 1945 and by Act No. 35 of 1945), hereinafter referred to as the principal Act. Short title.

2. A new section is inserted after section one hundred and nine of the principal Act as follows:— New section.

109A. (1) Any order made by the Court whether before or after the commencement of the Supreme Court Act Amendment Act, 1946, directing payment of periodical sums by way of alimony or for the maintenance of a wife or children, may be enforced in such manner and by such means as an order of Justices directing the making of periodical payments is enforceable, and shall for that purpose be deemed to be an order made by Justices directing that, whenever and as often as default is made in Power to enforce Court order as an order of Justices.

any such payment, the party in default shall be liable to such process of execution and imprisonment as is provided in section one hundred and fifty-five of the Justices Act, 1902-1942, and the relative provisions of the said Act mutatis mutandis shall apply thereto accordingly: Provided that the serving of a period of imprisonment for non-compliance with any order so enforceable shall not affect the liability of the party in default to pay any sum of money thereby ordered to be paid.

(2) For the purposes of enforcing such order The Registrar shall have power to make such subsidiary orders and to sign and issue such warrants as any Justices might make and sign in a similar case or as may be authorised by rules of court, and such orders and warrants shall be deemed to be, and shall have effect as orders and warrants of a Justice, and shall be obeyed by all police officers accordingly.

(3) Where a warrant has been issued under this section, a Judge may on application by the party in default and upon consideration of the merits of the case, suspend the operation of the warrant, or discharge the same, either absolutely or upon terms.

(4) The provisions of this section shall be without prejudice to any other method of enforcement.

Amendment  
of s. 110.

3. Section one hundred and ten of the principal Act is amended by inserting at the beginning thereof the words "Subject to the provisions of section one hundred and nine A of this Act."

Amendment  
of s. 117.

4. Section one hundred and seventeen of the principal Act is amended by deleting the comma at the end of the first line of subsection (2), and inserting in lieu thereof the words "of this section, and to section one hundred and nine A of this Act."

Citation of  
principal Act  
as amended.

5. The principal Act as amended by this Act may be cited as the Supreme Court Act, 1935-1946.