

PURCHASERS' PROTECTION.

1° EDWD. VIII., No. XLI.

No. 41 of 1936.

AN ACT to amend Section ten of the Purchasers' Protection Act, 1933.

[Assented to 11th December, 1936.]

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 *Purchasers' Protection Act Amendment Act, 1936*, and shall be read as one with the Purchasers' Protection Act, 1933-1934 (hereinafter referred to as the principal Act). Short title.

Amendment
of s. 10 of
principal Act.

2. (1.) Subsection (2) of section ten of the principal Act is repealed and a subsection is inserted in its place, as follows:—

(2.) Any purchaser who is threatened with any such proceedings as are mentioned in the preceding subsection, or who, having had judgment awarded against him in any such proceedings, is threatened with execution or any other proceeding on or under the judgment, may make application in the prescribed manner to any court in which the vendor is entitled to bring such proceedings, or to the court in which judgment was obtained or out of which any warrant of execution or commitment thereunder is issued, and the court may on such application grant the purchaser the same relief, but subject to the same conditions as if proceedings had actually been taken by the vendor under the preceding subsection.

Provided that no such relief shall be granted after judgment, unless the court is satisfied—

- (a) that the proceedings in which judgment was obtained were not contested by the purchaser because of poverty; or
- (b) that evidence which the purchaser for any reason was unable to produce when judgment was given against him, is available; or
- (c) that the purchaser had not a reasonable opportunity of contesting the proceedings on which judgment was given against him by reason that—
 - (i) he was in ill-health; or
 - (ii) he resided at such distance from the court that the court was not reasonably accessible to him; or
 - (iii) for any other reason, which the court deems sufficient.

(2.) The subsection hereby inserted in place of the repealed subsection shall have effect as from the date of the commencement of the principal Act.

Citation of
principal Act as
amended.

3. The principal Act as amended by this Act may be cited as the Purchasers' Protection Act, 1933-1936.