

WESTERN AUSTRALIA

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# LOCAL COURTS AMENDMENT ACT

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No. 11 of 1991

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**AN ACT to amend the *Local Courts Act 1904*.**

*[Assented to 21 June 1991.]*

The Parliament of Western Australia enacts as follows:

## **Short title**

1. This Act may be cited as the *Local Courts Amendment Act 1991*.

## **Commencement**

2. This Act shall come into operation on such day as is fixed by proclamation.

**Section 30 amended**

3. Section 30 of the *Local Courts Act 1904\** is amended—

(a) in the first paragraph—

(i) by deleting “All personal actions” and substituting the following—

“ (1) Subject to subsection (2) all personal actions ”; and

(ii) by deleting “entered:” and substituting the following—

“ entered. ”;

(b) by deleting the second paragraph and substituting the following subsection—

“ (2) Except as provided in subsection (3) a Local Court shall not have jurisdiction to hear and determine any action—

(a) in ejectment;

(b) in which the title to land is in question;

(c) in which a devise, bequest or limitation under a will or settlement is in question;

(d) for libel or slander;

(e) for personal injury caused by or arising out of the use of a motor vehicle;

(f) for seduction.”;

and

(c) in the third paragraph by inserting before “If the title” the subsection designation “(3)”.

[\**Reprinted as approved 11 April 1984 and amended by Acts Nos. 69 of 1984, 13 of 1985, 71 of 1986 and 11, 65, 92 and 128 of 1987.*]

**Savings**

4. (1) An action for personal injury caused by or arising out of the use of a motor vehicle commenced in the Local Court but not determined before the commencement of this Act shall be continued under the provisions of the principal Act as in force before the commencement of this Act.

(2) Any right of appeal subsisting by virtue of an action for personal injury caused by or arising out of the use of a motor vehicle heard and determined in the Local Court before the commencement of this Act shall continue to be treated as subsisting under the provisions of the principal Act as in force before the commencement of this Act.

(3) Any appeal pending before the commencement of this Act in relation to an action for personal injury caused by or arising out of the use of a motor vehicle commenced in the Local Court shall be heard and determined in accordance with the provisions of the principal Act applicable to the appeal as in force before the commencement of this Act.

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