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THE LOCAL COURTS ACT, 1904.

Crown Law Department,
Perth, 17th April, 1912.

PURSUANT to "The Local Courts Act, 1904," and "The Local Courts Act Amendment Act, 1911," His Excellency the Governor in Executive Council has been pleased to make the following Rules of Court, to take effect at the expiration of one month from the publication thereof in the *Government Gazette*.

H. G. HAMPTON,
Under Secretary for Law.

1. These rules may be cited as the *Local Court Rules, 1912*, and shall be read and construed as one with the *Local Court Rules, 1905*, and the *Local Court Appeal Rules, 1911*; and these rules and the other rules hereinbefore mentioned may be cited together as the *Local Court Rules, 1905 to 1912*.

2. The repeals and alterations indicated in the Schedule hereto are hereby made in the *Local Court Rules, 1905*.

3. The *Local Court Appeal Rules, 1911*, shall be deemed to constitute Order XXXVII. of the *Local Court Rules, 1905 to 1912*.

4. These rules shall not apply to actions, matters, proceedings, and judgments instituted, pending, entered, given or made before the commencement of the *Local Courts Act Amendment Act, 1911*, but such actions, matters, proceedings, and judgments shall be proceeded with and have effect and be enforced as if these rules were not in operation.

5. The following rules are divided into Orders, as follows:—

ORDER XXXVIII. — OBJECTIONS TO JURISDICTION—TRANSFER OF ACTIONS.

ORDER XXXIX.—CHANGE OF VENUE.

ORDER XL. — COMMENCEMENT OF ACTIONS—SUMMONS AND CLAIM.

ORDER XLI.—SERVICE.

ORDER XLII.—DEFENCE, NOTICE OF TRIAL, AND DEFAULT OF DEFENCE.

ORDER XLIII.—CHANGE OF PARTIES BY DEATH, &c.

ORDER XLIV.—JUDGMENTS FOR DELIVERY OF GOODS AND ENFORCEMENT THEREOF.

ORDER XLV.—COSTS AND FEES.

ORDER XLVI.—MISCELLANEOUS.

ORDER XXXVIII. — OBJECTIONS TO JURISDICTION—TRANSFER OF ACTIONS.

1. The notice to be given to the plaintiff by the Clerk of any objection to the jurisdiction of the Court chosen for the commencement of an action may be served personally on the plaintiff or left for him at his address for service with some person of the apparent age of sixteen years, or sent to him at his address for service through the post or by telegraph.

2. The time to be allowed a plaintiff for filing an affidavit justifying his choice of such Court shall be four days from the day of the service of the notice on him; provided that if the distance from the Court to the place where such notice is served exceeds one hundred miles, then an additional day shall be allowed for each one hundred miles and for any fractional part of one hundred miles of the excess.

3. An affidavit justifying a plaintiff's choice of Court shall be according to the Form A in the Appendix; provided that when all the necessary facts cannot be deposed to by one person, different persons may severally depose to such of the facts as they respectively know, either in the same or in different affidavits.

4. When it becomes necessary to transfer an action under section 36A of the Act, the Clerk shall transmit to the Clerk of the Court to which the action is to be transferred a certified copy of the plaint and the originals of all other proceedings in the action, with a memorandum according to the Form B in the Appendix, and a note of such transfer shall be made in the minute book.

5. If there are more defendants than one, and more than one of such defendants objects to the jurisdiction but each of the objectors does not require a transfer to the same Court, then the notice of objection sent by the Clerk to the plaintiff shall be according to the Form C in the Appendix.

ORDER XXXIX.—CHANGE OF VENUE.

1. Any person obtaining an order under section 38A of the Act shall, as soon as practicable, file the same or an office copy thereof with the Clerk of the Court from which the action or matter is ordered to be transferred.



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CROWN LAW DEPARTMENT

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