

DISTRICT COURT OF WESTERN AUSTRALIA.

No. 14 of 1970.

AN ACT to amend the District Court of Western Australia Act, 1969.

[Assented to 29th April, 1970.]

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 *District Court of Western Australia Act Amendment Act, 1970.* Short title
and
citation.

(2) In this Act the District Court of Western Australia Act, 1969, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the District Court of Western Australia Act, 1969-1970.

Commence-
ment.

2. (1) This Act, except paragraph (b) of section 3, shall come into operation on the date the Act receives the Royal Assent.

(2) Paragraph (b) of section 3 of this Act shall come into operation on a date to be fixed by proclamation.

Amendment
to s. 4.
(Repeal and
saving.)

3. Section 4 of the principal Act is amended—

(a) by adding after subsection (2) a subsection as follows—

(2a) Notwithstanding subsection (2) of this section, the Chief Justice of Western Australia may make an order, at any time after hearing the parties concerned, remitting to the Court any action that—

(a) is commenced under the Supreme Court Act, 1935;

(b) is pending on the date of the coming into operation of the District Court of Western Australia Act Amendment Act, 1970; and

(c) could have been commenced under this Act in the Court, if this Act had been in operation when the action was so commenced,

unless a party to the action satisfies the Chief Justice of Western Australia that for good cause shown the action should not be remitted to the Court. ; and

(b) by adding after subsection (4) a subsection as follows—

(5) Where, on the date of the commencement of this subsection, there is constituted for a Circuit Court a jury district, the area of which is the same as that of a jury district that was constituted for a Court of Session, the Jurors'

Book for the lastmentioned jury district that was last in use before that date—

- (a) shall be the Jurors' Book for the firstmentioned jury district until a new Jurors' Book is prepared for that jury district and each person whose name appears therein is, subject to the Juries Act, 1957, a juror qualified and liable to serve as a juror at civil and criminal trials in the Circuit Court including the Court sitting in that jury district; and
- (b) all things done before or being done on that date under Part IV of the Juries Act, 1957, in relation to the preparation of a new Jurors' Book for the jury district for that Court of Session shall, after that date, be deemed to have been done or to be done in relation to the preparation of a new Jurors' Book for the jury district for the Circuit Court, including the Court. .

4. Subsection (5) of section 5 of the principal Act is amended by substituting for the word "Nothing" in line one the passage "Except as expressly provided in this Act, nothing".

Amendment
to s. 5.
(Construction
and applica-
tion of certain
Acts.)

5. Section 12 of the principal Act is amended—

Amendment
to s. 12.
(Salaries
and allow-
ances of
District
Court
Judges.)

- (a) by substituting for the word "There" in line one of subsection (1) the passage "Subject to subsection (3) of this section, there" ; and

- (b) by adding after subsection (2) a subsection as follows—

(3) A District Court Judge who, at the time of his appointment as such, held the office of Chairman of the Third Party

Claims Tribunal under the Motor Vehicle (Third Party Insurance) Act, 1943, is not entitled to be paid a salary under this section while he holds that office but is, for the purposes of section 14, deemed to be in receipt of a salary as a District Court Judge at the rate, for the time being payable to the District Court Judge who holds the office of the Chairman of Judges. .

Amendment
to s. 17.
(District
Court
Judge not
to practise
as legal
practi-
tioner.)

6. Section 17 of the principal Act is amended—

(a) by adding after the section number “17” the subsection designation “(1)”; and

(b) by adding a subsection as follows—

(2) Any District Court Judge may act as the Chairman of the Third Party Claims Tribunal under the Motor Vehicle (Third Party Insurance) Act, 1943. .

Amendment
to s. 26.
(Duties of
Registrar.)

7. Paragraph (a) of subsection (1) of section 26 of the principal Act is amended by deleting the words “sign and” in line one.

Amendment
to s. 41.
(Jurors.)

8. Section 41 of the principal Act is amended—

(a) by deleting the passage “when exercising civil jurisdiction, and a Court of Session within the meaning of that Act, when exercising criminal jurisdiction” in lines four, five and six of subsection (3); and

(b) by adding after the word “officer” in line three of subsection (4) the passage “, and the Registrar of the Court sitting at that place shall be the summoning officer for the Court and for the Supreme Court sitting at that place”.

Amendment
to s. 48.
(Power of
Registrar
to issue
subpoenas.)

9. Subsection (1) of section 48 of the principal Act is amended by deleting the words “shall be the clerk of arraigns and the Registrar” in lines two and three.

10. Paragraph (d) of section 50 of the principal Act is amended by substituting for the words "fifteen hundred" in lines three and seven respectively the words "three thousand".

Amendment
to s. 50.
(Civil juris-
diction.)

11. The principal Act is amended by adding after section 86 a section as follows—

S. 86A
added.

86A. (1) When a writ of execution against the land or goods of any person has issued out of the Supreme Court, and a writ or warrant of execution against the land or goods of the same person has issued out of the Court and out of a Local Court, or has issued out of either of those Courts, the right to the property seized shall be determined by the priority of the time of the delivery of the writ so issued out of the Supreme Court to the Sheriff to be executed, or the time of the application to the Registrar or the Clerk for the issue from the Court or the Local Court, of the writ or warrant of execution, whichever is the earlier or earliest, as the case may be.

Priority
of Supreme
Court, the
Court and
Local Court
executions.

(2) For the purposes of determining the priority referred to in subsection (1) of this section, the Sheriff, the Registrar and the Clerk of the Local Court shall, on request the one to the other, give information to the one requesting it, as to the precise time of the delivery of the writ so issued out of the Supreme Court or the precise time of the application to the Registrar or the Clerk for the issue from the Court or the Local Court of the writ or warrant of execution, as the case may be. .
