



AUSTRALIAN CAPITAL TERRITORY

## **Law Reform (Miscellaneous Provisions) (Amendment) Act 1995**

No. 35 of 1995

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### **An Act to amend the *Law Reform (Miscellaneous Provisions) Act 1955***

*[Notified in ACT Gazette S266: 31 October 1995]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Law Reform (Miscellaneous Provisions) (Amendment) Act 1995*.

#### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Law Reform (Miscellaneous Provisions) Act 1955*.<sup>1</sup>

#### **Addition**

4. The Principal Act is amended by adding at the end the following Part:

## **“PART XI—JURISDICTION OF COURTS WITH RESPECT TO FOREIGN LAND**

### **Common law rule of private international law known as the *Mocambique* rule—partial abrogation**

“34. (1) The jurisdiction of a court in any proceedings is not excluded or limited by reason only that the proceedings relate to or otherwise concern land or other immovable property situated outside the Territory.

“(2) Subsection (1) does not empower a court to adjudicate upon title to, or right to the possession of, land or other immovable property situated outside the Territory.

### **Discretion to refuse to exercise jurisdiction**

“35. A court is not bound to exercise jurisdiction in proceedings of a kind referred to in subsection 34 (1) if the court considers that it is an inappropriate forum in relation to those proceedings.”.

### **Application**

5. Part XI of the Principal Act as amended by this Act applies in relation to proceedings pending at the commencement of this Act or instituted after that commencement, irrespective of when the cause of action arose.

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### **NOTE**

#### **Principal Act**

1. Reprinted as at 28 February 1994. See also Act No. 26, 1994.

*[Presentation speech made in Assembly on 21 September 1995]*