

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 36 of 1933.

AN ORDINANCE

Relating to the Jurisdiction and the Execution of the Process of the Courts of the Territory.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909* and the *Seat of Government (Administration) Act 1910-1933*, as follows:—

1. This Ordinance may be cited as the *Judiciary (Stay of Proceedings) Ordinance 1933*. Short title.

2. In this Ordinance, unless the contrary intention appears— Definition.
“court” means any court having jurisdiction in or in relation to the Territory.

3.—(1.) Where it is shown to the satisfaction of a court that a person, against whom any proceeding has been commenced in the court for the payment of a sum of money— Stay of proceedings.

- (a) has suffered such a loss; or
- (b) is in such circumstances,

that a judgment given or an order made for the immediate payment of the sum of money or any substantial part thereof would entail serious hardship, the court may, at any time before judgment is given or an order is made in the proceeding, upon the application of that person, in its discretion, if in all the circumstances it deems it desirable so to do, direct a stay of proceedings or further proceedings until such time and upon such conditions as the court thinks fit.

(2.) An application made in pursuance of the last preceding sub-section shall not be taken or construed as an admission of liability by the applicant.

4.—(1.) Where it is shown to the satisfaction of a court that a person, against whom the court has given judgment or made an order for the payment of a sum of money— Stay of execution.

- (a) has suffered such a loss; or
- (b) is in such circumstances

that the immediate payment of the whole or any part of the sum will entail serious hardship, the court may, at the time of giving the judgment or the making of the order, or subsequently thereto, upon the application of the person adjudged or ordered to pay the sum of money, in its discretion, if in all the circumstances it deems it desirable so to do, order that the payment of the whole or part of the sum shall be deferred until such time and upon such conditions as the court thinks fit.

(2.) An application under this section shall operate as a stay of proceedings upon the judgment or order until the hearing of the application.

Rescission
or variation of
previous
direction or
order.

5.—(1.) A court may, upon the application of any party, rescind or vary any direction or order previously made by it under this Ordinance.

(2.) An application under this section shall be made by summons directed to the other party.

(3.) The summons shall be served personally, at least seven days before the date appointed in the summons for the hearing thereof, upon the party to whom it is directed:

Provided that, if it appears to the court that personal service cannot be effected, it may make such order for substituted or other service or for the substitution for service of notice by advertisement or otherwise as the court thinks just.

(4.) In this section "party" means party to the proceeding in connexion with which the direction or order was made.

Dated the sixth day of December, 1933.

ISAAC A. ISAACS

Governor-General.

By His Excellency's Command,

J. G. LATHAM

for Minister of State for the Interior.