

COURT OF PETTY SESSIONS

No. 15 of 1970

An Ordinance to amend the *Court of Petty Sessions Ordinance 1930-1969*.

1.—(1.) This Ordinance may be cited as the *Court of Petty Sessions Ordinance 1970*.*

Short title
and citation.

(2.) The *Court of Petty Sessions Ordinance 1930-1969*,† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Court of Petty Sessions Ordinance 1930-1970*.

2. Section 23 of the Principal Ordinance is amended—

Ex parte order
may be set
aside on terms.

- (a) by inserting after the words “does not appear” the words “, and any judgment entered in pursuance of section one hundred and thirty-nine of this Ordinance,”;
- (b) by inserting after the words “was made” the words “or the judgment was entered”; and
- (c) by adding at the end thereof the following sub-sections:—

“ (2.) Where, in pursuance of the last preceding sub-section, the Court has set aside an order made, or a judgment entered, in respect of a complaint, the Court may, on such terms as the Court thinks just, set aside any summons or warrant issued, and any order made, under this Ordinance in consequence of the making of the first-mentioned order or the entry of the judgment, as the case may be.

“ (3.) The making of an order under the last preceding sub-section in relation to a warrant issued under section one hundred and fifty-eight of this Ordinance does not affect the title to any goods or chattels sold under the warrant before the making of the order.

“ (4.) Where, in pursuance of sub-section (1.) of this section, the Court has set aside a conviction, the Court may set aside any warrant issued under this Ordinance in consequence of the conviction.”

3. Section 77 of the Principal Ordinance is amended by omitting the words “defendant witness,” and inserting in their stead the words “defendant, witness”.

Recognizances.

* Made on 5 March 1970; notified in the *Commonwealth Gazette* and commenced on 19 March 1970.

† Ordinance No. 21, 1930, as amended by No. 21, 1932; No. 17, 1934; No. 13, 1936; Nos. 5 and 28, 1937; Nos. 25 and 35, 1938; Nos. 20 and 22, 1940; No. 13, 1949; Nos. 7 and 12, 1951; No. 14, 1953; No. 12, 1958; No. 2, 1961; No. 2, 1966; No. 1, 1967; No. 25, 1968; and No. 12, 1969.

Grounds of
defence to be in
writing lodged
with the Clerk.

4. Section 139 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “in writing in the form prescribed by rules or regulations under this Ordinance” and inserting in their stead the words “in accordance with Form 10 in the First Schedule to this Ordinance”;
- (b) by omitting from sub-section (3.) the word “plaintiff” (wherever occurring) and inserting in its stead the word “complainant”;
- (c) by omitting from sub-section (3A.) the word “plaintiff” and inserting in its stead the word “complainant”; and
- (d) by adding at the end thereof the following sub-section:—
 “(5.) A judgment entered under sub-section (3.) of this section has effect, and is enforceable, as if it were an order made by the Court under section one hundred and thirty of this Ordinance.”.

Trial.

5. Section 140 of the Court of Petty Sessions Ordinance is amended—

- (a) by omitting from sub-section (2.) the word “plaintiff” and inserting in its stead the word “complainant”; and
- (b) by omitting from sub-section (3.) the word “plaintiff” and inserting in its stead the word “complainant”.

Court's power
where garnishee
does not
dispute debt.

6. Section 173 of the Principal Ordinance is amended by omitting from paragraph (a) the word “summons” and inserting in its stead the words “order directing him to appear”.

Forms.

7. Section 256 of the Principal Ordinance is amended by omitting from sub-section (2.) the words “conviction or order” and inserting in their stead the words “conviction, order or judgment”.