



Australian Capital Territory

# **Magistrates Court (Civil Jurisdiction) Act 1982 (repealed)**

**A1982-54**

**Republication No 14**

**Effective: 10 January 2005**

Republication date: 10 January 2005

As repealed by A2004-60 s 4  
(republication for amendments and repeal  
by A2004-60)

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Magistrates Court (Civil Jurisdiction) Act 1982* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 10 January 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Magistrates Court (Civil Jurisdiction) Act 1982 (repealed)

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Australian Capital Territory

# **Magistrates Court (Civil Jurisdiction) Act 1982 (repealed)**

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An Act relating to the civil jurisdiction of the Magistrates Court

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R14  
10/01/05

Magistrates Court (Civil Jurisdiction) Act 1982 (repealed)  
Effective: 10/01/05

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## Part 1 Preliminary

### 1 Short title

This Act may be cited as *the Magistrates Court (Civil Jurisdiction) Act 1982*.

### 3 Interpretation for Act

(1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***bailiff*** means a bailiff of the court.

***chief solicitor*** means the person for the time being occupying, or performing the duties of, the office of Chief Solicitor in the public service.

***copy***, in relation to a document to be served in proceedings, means—

- (a) if the document has been filed—a true copy sealed or stamped with the seal of the court; and
- (b) in any other case—a true copy.

***corporation*** includes a body of persons that may by law sue or be sued, whether in its own name or in the name of an officer or other person.

***costs***, in relation to proceedings, means costs between party and party of and incidental to the proceedings.

***court*** means the Magistrates Court.

***cross-claim*** means a claim (whether by way of counterclaim, cross-action, set-off or otherwise) pleaded in a notice of grounds of defence filed by a defendant in proceedings.

***defendant*** means the person against whom proceedings have been instituted.

***examiner*** means a person appointed by the court to conduct an examination under section 202 under an order under section 202 (1).

***file***, in relation to a document in proceedings, means lodge in the office of the court for inclusion in the record of the court.

***insurer*** means a person who gives a bond referred to in section 85.

***officer***, in relation to a corporation, includes a director and a person having (whether alone or with others) powers of management, direction or control of the corporation.

***originating process*** means—

- (a) a claim; or
- (b) an application referred to in section 22.

***person named***, in relation to a summons issued under section 187, means the person to whom the summons is addressed.

***person under disability*** means a person who has not attained full age or a person who is of unsound mind or incapable.

***plaintiff*** means the person by whom proceedings have been instituted.

***pleading*** means a claim, notice of grounds of defence, reply or third or subsequent party notice filed in proceedings.

***proceedings*** means proceedings in the court.

***registrar*** means the registrar or a deputy registrar of the court.

***Small Claims Court*** means the Magistrates Court when exercising jurisdiction under part 22.

***summons for production*** means an order in writing requiring the person named to attend as directed by the order and to produce a document or thing for the purpose of evidence.

***summons to give evidence*** means an order in writing requiring the person named to attend as directed by the order for the purpose of giving evidence.

- (2) In this Act—
- (a) a reference to the plaintiff in proceedings is, for proceedings in which there are 2 or more plaintiffs, a reference to any or all of those plaintiffs, as the case requires; and
  - (b) a reference to the defendant in proceedings is, for proceedings in which there are 2 or more defendants, a reference to any or all of those defendants, as the case requires.
- (3) In this Act—
- (a) a reference to the plaintiff in proceedings is, in relation to proceedings instituted by filing an application referred to in section 22, a reference to the applicant in those proceedings; and
  - (b) a reference to the defendant in proceedings is, in relation to proceedings referred to in paragraph (a), a reference to the respondent in those proceedings.
- (4) In this Act, a reference to the legal practitioner for a party to proceedings includes, in relation to a party whose legal practitioner has another legal practitioner acting as his or her agent for the purpose of the proceedings, a reference to that other legal practitioner.

#### **4 Application**

Subject to section 202, this Act applies in relation to all proceedings instituted in the court after the commencement of this Act, other than—

- (a) proceedings under the *Protection Orders Act 2001*; and
- (b) proceedings under the *Workers Compensation Act 1951*; and



- (c) proceedings on an information in respect of the alleged commission of an offence against a law in force in the ACT.

## Part 2 Jurisdiction

### 5 Personal actions at law—amount or value

- (1) Subject to this Act, the court has jurisdiction to hear and determine any personal action at law if the amount claimed does not exceed \$50 000, including such an action if the amount claimed is the amount due on a balance of account, after an admitted set-off or otherwise.
- (2) If the amount claimed in a personal action at law includes interest, being interest in respect of which the court may make an order under section 230, that interest shall be disregarded for the purposes of determining whether or not the court has jurisdiction to hear and determine the action.
- (3) Without limiting subsection (1), a reference in that subsection to a personal action at law includes a reference to an action relating to the detention of goods, and in relation to such an action, the reference in that subsection to the amount claimed is a reference to the amount claimed for the value of the goods together with the amount (if any) claimed for damages for the detention of the goods.
- (4) Nothing in subsection (1) limits the jurisdiction of the court if, under any other law in force in the ACT, money may be recovered by action in the court irrespective of the amount.
- (5) The jurisdiction referred to in subsection (1) is in addition to any jurisdiction that the court has under any other law in force in the ACT.

### 6 Power of court to grant relief

- (1) In any proceedings that the court has jurisdiction to hear and determine—

- (a) the court may grant the relief, redress or remedy that the Supreme Court has power to grant in an action of a like nature in that court, and for that purpose the court may make the orders that the Supreme Court has power to make in the like circumstances; and
  - (b) the court shall give effect to any ground of defence or cross-claim, whether equitable or legal, in the same way and to the same extent as the Supreme Court would do in the like circumstances.
- (2) For the purpose of the exercise by the court of its power under subsection (1) in any proceedings—
- (a) a magistrate constituting the court shall, in addition to any other powers conferred on him or her under this Act, have all the powers and authority of a judge of the Supreme Court in an action of a like nature in that court; and
  - (b) the registrar, bailiff or other appropriate officer of the court shall, in relation to those proceedings, discharge any duties that a corresponding officer of the Supreme Court would discharge in relation to such an action in accordance with the practice and procedure of that court.
- (3) In discharging a duty referred to in subsection (2), the registrar, a bailiff or other officer of the court, as the case requires, shall comply with this Act and any order of the court.

## **7 Rules of equity to prevail**

In any proceedings, if there is any conflict or variance between the rules of equity and the rules of common law relating to the same matter, the rules of equity shall prevail.

## **8 Nuisance**

- (1) Subject to this Act—

- (a) the court has the same jurisdiction as the Supreme Court to hear and determine a civil action for nuisance; and
- (b) in proceedings relating to such a cause of action, the court may grant the same relief as the Supreme Court may grant in proceedings of a like nature instituted in the Supreme Court.

**9 Disputed debts**

- (1) The court may, on application, declare—
  - (a) that a person does not owe a specified debt alleged to be owed by the person; or
  - (b) the amount of a specified debt alleged to be owed by a person.
- (2) A person is not entitled to make an application unless a written demand for payment of the debt has been made by the respondent.
- (3) This section applies only in relation to a debt or alleged debt that does not exceed the amount specified in section 5 (1).
- (4) Section 22 (3), (4), (5), (6), (7) and (9) apply in relation to applications made under this section.

**10 Cause of action arising, or defendant situated, outside ACT**

The court has jurisdiction to hear and determine proceedings—

- (a) notwithstanding that part of the cause of action to which the proceedings relate arose outside the ACT, if a material part of that cause of action arose within the ACT; and
- (b) notwithstanding that the whole of the cause of action to which the proceedings relate arose outside the ACT, if the defendant was resident within the ACT when the claim was served on him or her; and
- (c) notwithstanding that the defendant is not within the ACT, if—

- (i) a material part of the cause of action to which the proceedings relate arose within the ACT; and
- (ii) the defendant was within Australia or an external Territory when the claim was served on him or her.

**11 Proceedings affecting title to land**

- (1) Subject to this section, the court does not have jurisdiction to hear and determine proceedings in which the title to land is genuinely in question.
- (2) The jurisdiction of the court to hear and determine proceedings is not affected only because the title to land incidentally comes in question in the proceedings.
- (3) In proceedings referred to in subsection (2), a judgment is not evidence of title to land between the parties to the proceedings or their privies for any purpose whatsoever.

**12A Disputes under the Residential Tenancies Act**

The Magistrates Court has no jurisdiction in relation to a dispute to which the *Residential Tenancies Act 1997* applies if the amount in dispute is \$10 000 or less.

**12B Complaints under Utilities Act, pt 12 (Complaints)**

The Magistrates Court has no jurisdiction with respect to a matter to the extent to which it is the subject of—

- (a) a complaint under the *Utilities Act 2000*, part 12 (Complaints);  
or
- (b) a direction or declaration of the council under that part.

## Part 20 Transfer of proceedings from or to Supreme Court

### 381 Transfer of action from Supreme Court

- (1) If proceedings in relation to the cause of action on which a prescribed action pending in the Supreme Court is founded could properly have been instituted in the court, the Supreme Court may, if it thinks just, on the application of any party to the action or on its own initiative, order that the action be transferred to the court.

- (2) In subsection (1):

*prescribed action* means an action in which the amount claimed (whether initially or as reduced by payment, admitted set-off or otherwise) does not exceed the amount for which the court has jurisdiction under this Act.

### 382 Procedure on transfer of action from Supreme Court

- (1) If the Supreme Court has made an order under section 381 that an action pending in the Supreme Court be transferred to the court, any party to the action may lodge in the office of the court for inclusion in the record of the court a copy of the order and a copy of each of the pleadings (if any) in the action and any other relevant documents filed in the Supreme Court, and when those copies have been so lodged, the action—
- (a) ceases to be an action in the Supreme Court; and
  - (b) becomes proceedings in the court (being proceedings that shall be deemed to have been instituted on the date when the action was commenced in the Supreme Court).
- (2) Costs in proceedings referred to in subsection (1) shall be allowed—

- (a) in relation to costs incurred before the relevant order under section 381 was made (including the costs of obtaining the order) and the costs of obtaining the copies referred to in subsection (1)—subject to any order of the Supreme Court and to subsection (3), in accordance with the *Supreme Court Rules*; and
  - (b) in relation to costs incurred after that order was made (other than the costs of obtaining the copies referred to in subsection (1))—in accordance with this Act.
- (3) If costs referred to in subsection (2) (a) are to be taxed, those costs shall be taxed by the registrar in accordance with this Act.

### **383 Removal of proceedings into Supreme Court**

On the application of a party to proceedings, the Supreme Court may order that the proceedings be removed into the Supreme Court on the terms as to costs, security for the amount claimed or costs, or otherwise, that the Supreme Court thinks just.

### **384 Stay of proceedings**

- (1) If an application under section 383 to have proceedings removed into the Supreme Court is pending, the Supreme Court may, on the application of any party to the proceedings, order that those proceedings be stayed until the firstmentioned application is determined or until the Supreme Court otherwise orders.
- (2) An order under subsection (1) that proceedings be stayed shall take effect immediately on a copy of the order being filed.

## Part 24 Application of Magistrates Court Act 1930 and rules

### 499 Application of former procedural provisions to new proceedings

- (1) Subject to this Act, the provisions of the *Magistrates Court Act 1930* specified in table 499, column 1, and the provisions of the *Magistrates Court Rules 1932* specified in table 499, column 2, continue to apply, so far as they are capable of application and with necessary modifications and adaptations, in relation to proceedings instituted after the commencement of this Act:

**Table 499**

<b>column 1</b> <b>applicable provisions of</b> <b>Magistrates Court Act 1930</b>	<b>column 2</b> <b>applicable provisions of</b> <b>Magistrates Court Rules 1932</b>
part 1	part 1
part 2	part 3
part 3 division 1	part 19
section 54A	schedule 1 (so far as the forms in it are relevant for the purposes of any of the abovementioned applicable provisions)
section 60	
part 5 division 4	
part 9 (other than divisions 9.1 and 9.3)	
part 12	
part 15	
schedule 1 (so far as the forms in it are relevant for the purposes of any of the abovementioned applicable provisions)	

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- (2) For the application, under subsection (1), of the provisions specified in table 499 in that subsection in relation to proceedings instituted after the commencement of this Act—
- (a) a reference in any of those provisions to the *Magistrates Court Act 1930* is a reference to this Act; and
  - (b) a reference in any of those provisions to a particular provision of that Act, being a provision to which a provision of this Act corresponds, is a reference to that corresponding provision.
- (3) Without limiting subsection (1), in the application, under that subsection, of the provisions specified in table 499 in that subsection in relation to proceedings instituted after the commencement of this Act—
- (a) a reference in any of those provisions to an action is a reference to proceedings; and
  - (b) a reference in any of those provisions to a complaint is a reference to a claim or an application under section 22, as the case requires; and
  - (c) a reference in any of those provisions to a notice of intention to defend is a reference to a notice of grounds of defence; and
  - (d) a reference in any of those provisions to an order of the court is a reference to a judgment or order of the court given or entered in proceedings.

## Schedule 1      Appointment of referees in Small Claims Court

(see s 399 (2))

### Oath

I, [*name*], swear that I will well and truly serve in the office of referee in the Small Claims Court.

I swear that I will do right to all manner of people according to law, without fear or favour, affection or ill will.

So help me God!

### Affirmation

I, [*name*], solemnly and sincerely affirm that I will well and truly serve in the office of referee in the Small Claims Court.

I solemnly and sincerely affirm that I will do right to all manner of people according to law, without fear or favour, affection or ill will.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Court of Petty Sessions (Civil Jurisdiction) Ordinance 1982* No 54 (Cwlth). It was renamed as the *Magistrates Court (Civil Jurisdiction) Ordinance 1982* by the *Magistrates Court Ordinance 1985* No 67 (see sch).

The *ACT Self-Government (Consequential Provisions) Act 1988* No 109 (Cwlth), s 12) converted some former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 1 July 1990.

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on its conversion to an ACT enactment on 1 July 1990.

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Magistrates Court (Civil Jurisdiction) Act 1982 No 54**

notified 9 July 1982

commenced 1 September 1982 (s 2 and Cwlth Gaz 1982 No S178)

as amended by

##### **Court of Petty Sessions (Civil Jurisdiction) (Amendment) Ordinance 1984 No 76**

notified 19 December 1984

commenced 19 December 1984

##### **Court of Petty Sessions (Civil Jurisdiction) (Amendment) Ordinance (No 2) 1984 No 77**

notified 19 December 1984

commenced 2 September 1985 (s 2 and Cwlth Gaz 1985 No S326)

##### **Public Trustee (Miscellaneous Amendments) Ordinance 1985 No 9 sch 2**

notified 8 March 1985

commenced 28 October 1985 (s 2 and Cwlth Gaz 1985 No G42)

**Magistrates Court Ordinance 1985 No 67 sch pt 1**

notified 19 December 1985

commenced 1 February 1986 (s 2 and Cwlth Gaz 1986 No G3)

**Children's Services (Miscellaneous Amendments) Ordinance 1986 No 14 s 7**

notified 4 June 1986

commenced 26 April 1988 (s 2 and Cwlth Gaz 1988 No S116)

**Domestic Violence (Miscellaneous Amendments) Ordinance 1986 No 53 s 6**

notified 4 September 1986

commenced 1 October 1986 (s 2 and Cwlth Gaz 1986 No S484)

**Magistrates Court (Amendment) Ordinance (No 3) 1986 No 74 pt 4**

notified 14 November 1986

commenced 14 November 1986

**Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1987 No 13**

notified 1 May 1987

commenced 9 November 1987 (s 2 and Cwlth Gaz 1987 No GN27)

**Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1988 No 81**

notified 14 December 1988

commenced 3 January 1989 (s 2)

**Government Solicitor Ordinance 1989 No 36 sch**

notified 10 May 1989

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch commenced 11 May 1989 (s 2 (2) and see Gaz 1989 No S164)

**Self-Government (Consequential Amendments) Ordinance 1989 No 38 pt 2 div 17, sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S164)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

pt 2 div 17, sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S160)

## Endnotes

3 Legislation history

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### **Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance 1989 No 56**

notified 19 July 1989

s 3 is taken to have commenced 11 May 1989 (s 2)

remainder commenced 19 July 1989

### **Magistrates Court (Civil Jurisdiction) (Amendment) Ordinance (No 2) 1989 No 58**

notified 11 October 1989

commenced 11 October 1989

### **Self-Government (Consequential Amendments) Ordinance 1990 No 5 sch 1**

notified 27 June 1990

s 1, s 2 commenced 27 June 1990 (s 2 (1))

sch 1 commenced 1 July 1990 (s 2 (2))

## **Legislation after becoming Territory enactment**

### **Magistrates Court (Civil Jurisdiction) (Amendment) Act 1991 No 39**

notified 20 September 1991 (Gaz 1991 No S95)

ss 1-3 commenced 20 September 1991 (s 2 (1))

remainder commenced 25 September 1991 (s 2 (2) and see Gaz 1991 No S103)

### **Magistrates and Coroner's Courts (Registrar) Act 1991 No 44 s 7 (2), sch 1**

notified 20 September 1991 (Gaz 1991 No S95)

s 1, s 2 commenced 20 September 1991 (s 2 (1))

s 7 (2), sch 1 commenced 25 September 1991 (s 2 (2) and see Gaz 1991 No S103)

### **Workers' Compensation (Consequential Amendments) Act 1991 No 106 sch**

notified 15 January 1992 (Gaz 1992 No S3)

s 1, s 2 commenced 15 January 1992 (s 2 (1))

sch commenced 22 January 1992 (s 2 (2) and see Gaz 1992 No S9)

### **Supreme Court (Amendment) Act (No 2) 1993 No 91 sch 3**

notified 17 December 1993 (Gaz 1993 No S258)

sch 3 commenced 17 December 1993 (s 2)

**Magistrates Court (Civil Jurisdiction) (Amendment) Act 1994 No 5**

notified 14 March 1994 (Gaz 1994 No S44)  
ss 1-4, 11, 12 commenced 14 March 1994 (s 3 (1))  
remainder commenced 1 July 1994 (s 3 (2))

**Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 57**

notified 30 June 1994 (Gaz 1994 No S121)  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
sch 1 pt 57 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S 142)

**Magistrates Court (Enforcement of Judgments) Act 1994 No 61 pt 2**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994  
pt 2 commenced 10 April 1995 (Gaz 1995 No S75)

**Magistrates Court (Civil Jurisdiction) (Amendment) Act (No 2) 1994 No 65**

notified 11 October 1994 (Gaz 1994 No S197)  
commenced 11 October 1994

**Legal Practitioners (Amendment) Act 1994 No 76 sch**

notified 23 November 1994 (Gaz 1994 No S247)  
sch commenced 23 November 1994 (s 2)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (Gaz 1994 No S269)

**Magistrates Court (Civil Jurisdiction) (Amendment) Act 1995 No 27**

notified 5 September 1995 (Gaz 1995 No S212)  
commenced 5 September 1995 (s 2)

**Magistrates Court (Amendment) Act 1996 No 6 s 20**

notified 12 March 1996 (Gaz 1996 No S35)  
ss 1-3 commenced 12 March 1996 (s 2 (1))  
s 20 commenced 12 September 1996 (s 2 (4))

## Endnotes

3 Legislation history

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**Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 17**

notified 1 July 1996 (Gaz 1996 No S130)  
sch pt 17 commenced 1 July 1996 (s 2)

**Magistrates Court (Civil Jurisdiction) (Amendment) Act 1997 No 94**

notified 1 December 1997 (Gaz 1997 No S380)  
ss 1-3 commenced 1 December 1997 (s 2 (1))  
remainder commenced 25 May 1998 (Gaz 1998 No S140)

**Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

**Magistrates Court (Civil Jurisdiction) (Amendment) Act 1998 No 7**

notified 25 May 1998 (Gaz 1998 No S150)  
commenced 25 May 1998 (s 2)

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Courts and Tribunals (Audio Visual and Audio Linking) Act 1999 No 22 pt 10**

notified 14 April 1999 (Gaz 1999 No S16)  
s 1, s 2 commenced 14 April 1999 (s 2 (1))  
pt 10 commenced 1 September 1999 (s 2 (2) and Gaz 1999 No 35)

**Financial Sector Reform (ACT) Act 1999 No 33 sch**

notified 25 June 1999 (Gaz 1999 No S34)  
s 1, s 2, dict commenced 25 June 1999 (s 2 (1))  
sch commenced 1 July 1999 (s 2 (2) and see Cwlth Gaz 1999 No S28)

**Law Reform (Miscellaneous Provisions) Act 1999 No 66 sch 3**

notified 10 November 1999 (Gaz 1999 No 45)  
commenced 10 November 1999 (s 2)



**Road Transport Legislation Amendment Act 1999 No 79 sch 3**

notified 23 December 1999 (Gaz 1999 No S65)  
s 1, s 2 commenced 23 December 1999 (IA s 10B)  
sch 3 commenced 1 March 2000 (s 2 and see Gaz 2000 No S5)

**Justice and Community Safety Legislation Amendment Act 2000 (No 3) No 17 sch 1**

notified 1 June 2000 (Gaz 2000 No 22)  
commenced 1 June 2000 ( s 2)

**Utilities (Consequential Provisions) Act 2000 No 66 sch 1 pt 9**

notified 20 December 2000 (Gaz 2000 No S68)  
s 1, s 2 commenced 20 December 2000 (IA s 10B)  
sch 1 pt 9 commenced 1 January 2001 (Gaz 2000 No S69)

**Leases (Commercial and Retail) Act 2001 No 18 s 175**

notified 19 April 2001 (Gaz 2001 No 16)  
s 1, s 2 commenced 19 April 2001 (IA s 10B)  
s 175 commenced 1 July 2002 (s 2)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 239**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 239 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Workers Compensation Amendment Act 2001 No 81 s 36**

notified LR 28 September 2001  
s 1, s 2 commenced 28 September 2001 (LA s 75)  
s 36 commenced 1 July 2002 (s 2 (1))

**Protection Orders (Consequential Amendments) Act 2001 No 90 sch 1 pt 9**

notified LR 27 September 2001  
s 1, s 2 commenced 27 September 2001 (LA s 75)  
sch 1 pt 9 commenced 27 March 2002 (s 2, see Protection Orders Act 2001, s 3 and LA s 79)

## Endnotes

3 Legislation history

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**Workers Compensation (Acts of Terrorism) Amendment Act 2002  
No 22 pt 1.2**

notified LR 28 June 2002  
s 1, s 2 commenced 28 June 2002 (LA s 75)  
pt 1.2 commenced 1 July 2002 (s 2)

**Justice and Community Safety Legislation Amendment Act 2003  
A2003-2 pt 15**

notified LR 3 March 2003  
s 1, s 2 commenced 3 March 2003 (LA s 75 (1))  
pt 15 commenced 4 March 2003 (s 2 (1))

**Evidence (Miscellaneous Provisions) Amendment Act 2003 A2003-48  
sch 2 pt 2.9**

notified LR 31 October 2003  
s 1, s 2 commenced 31 October 2003 (LA s 75 (1))  
sch 2 pt 2.9 commenced 30 April 2004 (s 2 and LA s 79)

**Criminal Code (Theft, Fraud, Bribery and Related Offences)  
Amendment Act 2004 A2004-15 sch 2 pt 2.55**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.55 commenced 9 April 2004 (s 2 (1))

**Justice and Community Safety Legislation Amendment Act 2004  
A2004-18 pt 9**

notified LR 6 April 2004  
s 1, s 2 commenced 6 April 2004 (LA s 75 (1))  
pt 9 commenced 20 April 2004 (s 2)

**Court Procedures (Consequential Amendments) Act 2004 A2004-60  
sch 1 pt 1.51**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.51 commenced 10 January 2005 (s 2 and see Court  
Procedures Act 2004 A2004-59, s 2 and CN2004-29)

as repealed by

**Court Procedures (Consequential Amendments) Act 2004 A2004-60  
s 4**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
s 4 commenced 10 January 2005 (s 2 and see Court Procedures  
Act 2004 A2004-59, s 2 and CN2004-29)

**4 Amendment history**

The *Magistrates Court (Enforcement of Judgments) Act 1994* No 61 s 28 amended the Act by reversing the order of masculine and feminine pronouns. The amendments have been incorporated in the republication but have not been noted in the amendment history.

**Title**

title am 1985 No 67 sch pt 1

**Short title**

s 1 am 1985 No 67 sch pt 1

**Commencement**

s 2 om 2001 No 44 amdt 1.2783

**Interpretation for Act**

s 3 am 1985 No 67 sch pt 1; 1991 No 44 s 7 (2), sch 1; 1994  
No 61 s 4; 1997 No 94 sch 2; 1997 No 96 sch 1; 2001 No 44  
amdt 1.2785  
def **approved form** ins 1994 No 61 s 4  
am 1997 No 94 sch 2  
om 2001 No 44 amdt 1.2784  
def **bailiff** ins 1994 No 61 s 4  
def **chief solicitor** ins 1989 No 36 sch  
am 1994 No 38 sch 1 pt 57  
def **corporation** ins 1994 s 4  
def **determined fee** ins 1991 No 39 s 4  
om 1994 No 5 s 4  
def **officer** ins 1994 s 4  
def **Small Claims Court** ins 1997 No 94 sch 2

**Application**

s 4 am 1986 No 14 s 7; 1986 No 74 s 87; 1990 No 5 sch 1; 1991  
No 106 sch; 1997 No 94 sch 2; 1999 No 66 sch 3; 2001  
No 90 amdt 1.82, 1.83

## Endnotes

4 Amendment history

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### **Personal actions at law—amount or value**

s 5 am 1987 No 13 s 4; 1988 No 81 s 5; 1994 No 61 s 5; ss renum R7 LA

### **Power of court to grant relief**

s 6 am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1

### **Nuisance**

s 8 am 1994 No 81 sch; 1998 No 54 sch; A2004-60 amdt 1.448, amdt 1.449  
(2) reloc to Magistrates Court Act 1930, pt 5.1 in s 292 by A2004-60 amdt 1.450

### **Disputed debts**

s 8A renum as s 9

### **Disputed debts**

s 9 orig s 9 renum as s 10  
(prev s 8A) ins 1994 No 61 s 6  
renum 1994 No 61 s 29

### **Cause of action arising, or defendant situated, outside ACT**

s 10 orig s 10 renum as s 11  
(prev s 9) am 1990 No 5 s 6  
renum 1994 No 61 s 29

### **Disputes under Tenancy Tribunal Act 1994**

s 10A renum as s 12

### **Proceedings affecting title to land**

s 11 orig s 11 renum as s 13  
(prev s 10) renum 1994 No 61 s 29

### **Disputes under Tenancy Tribunal Act 1994**

s 12 (prev s 10A) ins 1994 No 65 s 3  
renum 1994 No 61 s 29  
sub 2001 No 18 s 175  
om A2003-2 s 72

### **Disputes under Residential Tenancies Act**

s 12A ins 1999 No 66 sch 3

### **Complaints under Utilities Act, pt 12 (Complaints)**

s 12B ins 2000 No 66 sch 1 pt 9

### **Institution of proceedings**

pt 3 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as pt 3 hdg by A2004-60 amdt 1.457

**Lodgment and filling of originating process**

s 13 orig s 13 renum as s 15  
(prev s 11) am 1990 No 5 s 6; 1991 No 39 s 5; 1991 No 44  
s 7 (2), sch 1; 1994 No 5 s 5  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.451  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

**Numbering of proceedings**

s 14 orig s 14 renum as s 16  
(prev s 12) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

**Contents of originating process**

s 15 (prev s 13) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

**Signing of originating process**

s 16 (prev s 14) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

**Proceedings by claim**

s 17 (prev s 15) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

**Form of claim**

s 18 (prev s 16) am 1987 No 13 s 6; 1990 No 5 s 6; 1994 No 61 s 7  
renum 1994 No 61 s 29; ss renum R7 LA  
am A2004-60 amdt 1.452  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

**More than 1 cause of action**

s 19 (prev s 17) renum 1994 No 61 s 29  
am A2004-60 amdt 1.453  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

## Endnotes

### 4 Amendment history

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#### **Division of cause of action**

s 20 (prev s 18) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.454  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

#### **Abandonment of excess**

s 21 (prev s 19) am 1988 No 81 s 5; 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

#### **Proceedings by application**

s 22 (prev s 20) am 1990 No 5 s 6; 1991 No 39 s 6; 1991 No 44  
s 7 (2), sch 1; 1994 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.455  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

#### **Originating process struck out after 1 year**

s 22A ins A2004-60 amdt 1.456  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.457

#### **Service**

pt 4 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 4 hdg by A2004-60 amdt 1.459

#### **Service of documents generally**

s 23 (prev s 21) renum 1994 No 61 s 29  
am A2004-60 amdt 1.458  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

#### **Service of originating process by post**

s 24 (prev s 22) am 1991 No 39 s 7; 1991 No 44 s 7 (2), sch 1;  
1994 No 5 s 7  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

#### **Substituted service**

s 25 (prev s 23) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Service on legal practitioner**

s 26 (prev s 24) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Service at address for service**

s 27 (prev s 25) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Address for service**

s 28 (prev s 26) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1995 No 27 s 4; 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Time of service**

s 29 (prev s 27) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Proof of service of documents**

s 30 (prev s 28) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Doubtful service**

s 31 (prev s 29) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**No need for production of original document**

s 32 (prev s 30) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Waiver of objection to service**

s 33 (prev s 31) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.459

**Cessation and renewal of claim**

pt 5 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 5 hdg by A2004-60 amdt 1.460

## Endnotes

4 Amendment history

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### **Cessation of original claim**

s 34 (prev s 32) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.460

### **Renewal of claim**

s 35 (prev s 33) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.460

### **Cessation of renewed claim**

s 36 (prev s 34) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.460

### **Defence, judgment by default, confession or agreement, and special defences**

pt 6 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 6 hdg by A2004-60 amdt 1.467

### **Notice of grounds of defence**

div 6.1 hdg (prev pt 6 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 6.1 hdg by A2004-60 amdt 1.467

### **Filing of notice of grounds of defence**

s 37 (prev s 35) am 1984 No 77; 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

### **Form of notice of grounds of defence**

s 38 (prev s 36) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

### **Service of notice of grounds of defence**

s 39 (prev s 37) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

### **Reliance on defence not disclosed**

s 40 (prev s 38) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467



**Judgment in default of defence**

div 6.2 hdg (prev pt 6 div 2 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 6.2 hdg by A2004-60 amdt 1.467

**Interlocutory judgment by default on ordinary claim**

s 41 (prev s 39) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

**Assessment of recoverable amount following interlocutory judgment**

s 42 (prev s 40) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

**Judgment by default on special claim**

s 43 (prev s 41) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdts 1.461-1.463  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

**Judgment by confession**

div 6.3 hdg (prev pt 6 div 3 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 6.3 hdg by A2004-60 amdt 1.467

**Judgment by confession**

s 44 (prev s 42) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

**Judgment by agreement**

div 6.4 hdg (prev pt 6 div 4 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 6.4 hdg by A2004-60 amdt 1.467

**Judgment by agreement**

s 45 (prev s 43) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1; 1994  
No 61 s 8  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

## Endnotes

### 4 Amendment history

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#### **Special defences**

div 6.5 hdg (prev pt 6 div 5 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 6.5 hdg by A2004-60 amdt 1.467

#### **Defence of tender before action**

s 46 (prev s 44) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

#### **Defence of set-off**

s 47 (prev s 45) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

#### **Cross-claim**

s 48 (prev s 46) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.464  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

#### **Abandonment of excess of cross-claim**

s 49 (prev s 47) am 1988 No 81 s 6; 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

#### **Proceedings on cross-claim**

s 50 (prev s 48) renum 1994 No 61 s 29  
am A2004-60 amdt 1.465, amdt 1.466  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

#### **Trial of cross-claim**

s 51 (prev s 49) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.467

#### **Reply**

pt 7 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 7 hdg by A2004-60 amdt 1.468

#### **Filing of reply**

s 52 (prev s 50) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.468

**Form of reply**

s 53 (prev s 51) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.468

**Service of reply**

s 54 (prev s 52) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.468

**Defence to cross-claim**

s 55 (prev s 53) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.468

**Third-party procedure**

pt 8 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 8 hdg by A2004-60 amdt 1.470

**Meaning of *third party***

s 56 (prev s 54) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

**Filing of third-party notice**

s 57 (prev s 55) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

**Service of documents**

s 58 (prev s 56) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

**Stay of proceedings**

s 59 (prev s 57) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

**Rights and liabilities of third party**

s 60 (prev s 58) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.469  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

## Endnotes

4 Amendment history

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### **Procedure on hearing**

s 61 (prev s 59) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

### **Enforcement**

s 62 (prev s 60) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

### **Subsequent joinder of parties**

s 63 (prev s 61) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.469  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

### **Separate trials**

s 64 (prev s 62) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

### **Codefendants**

s 65 (prev s 63) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

### **Costs in proceedings if third party joined**

s 66 (prev s 64) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.470

### **Discontinuance and withdrawal**

pt 9 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 9 hdg by A2004-60 amdt 1.471

### **Discontinuance**

s 67 (prev s 65) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.471

### **Withdrawal**

s 68 (prev s 66) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.471

**Costs**

s 69 (prev s 67) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.471

**Effect of discontinuance**

s 70 (prev s 68) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.471

**Payment into court**

pt 10 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 10 hdg by A2004-60 amdt 1.473

**How money paid into court**

s 71 (prev s 69) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.472  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

**Payment by defendant**

s 72 (prev s 70) am 1988 No 81  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

**Form of notice of payment**

s 73 (prev s 71) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

**Service of notice of payment into court**

s 74 (prev s 72) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

**Abandonment of cross-claim**

s 75 (prev s 73) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

**No admission of liability**

s 76 (prev s 74) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

## Endnotes

4 Amendment history

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### **Acceptance of amount paid into court**

s 77 (prev s 75) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

### **Effect of acceptance of money paid into court**

s 78 (prev s 76) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

### **Withdrawal of money paid into court**

s 79 (prev s 77) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

### **Order for payment out after acceptance**

s 80 (prev s 78) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

### **Payment of money under defence of tender**

s 81 (prev s 79) am 1990 No 5 s 6; 1991 No 44 sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

### **Nondisclosure of payment into court**

s 82 (prev s 80) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

### **Costs if money paid into court**

s 83 (prev s 81) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

### **Money paid into court remaining at judgment**

s 84 (prev s 82) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

**Lodgment of bond**

s 85 (prev s 83) am 1988 No 81; 1989 No 36 sch; 1990 No 5 sch 1; 1991 No 44 s 7 (2), sch 1; 1991 No 106 sch  
renum 1994 No 61 s 29  
am 1999 No 79 sch 3  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.473

**Persons under disability**

pt 11 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 11 hdg by A2004-60 amdt 1.475

**Capacity as regards proceedings**

s 86 (prev s 84) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2; A2004-60 amdt 1.474  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

**Liability for costs**

s 87 (prev s 85) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

**Entitlement to be next friend or guardian *ad litem***

s 88 (prev s 86) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.474  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

**Appointment of next friend**

s 89 (prev s 87) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

**Appointment of guardian *ad litem***

s 90 (prev s 88) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

**Record of appointee**

s 91 (prev s 89) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

## Endnotes

4 Amendment history

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### **Removal of next friend or guardian *ad litem***

s 92 (prev s 90) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

### **Admission on pleadings**

s 93 (prev s 91)renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

### **Judgment in proceedings if no guardian *ad litem* appointed**

s 94 (prev s 92) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1; 1994  
No 61 s 9  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

### **Compromise before action**

s 95 (prev s 93) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

### **Approval of settlement involving person under disability**

s 96 (prev s 94)renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

### **Money recovered by person under disability**

s 97 (prev s 95) am 1985 No 9; 1990 No 5 sch 1; 1991 No 44  
s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1; ss renum R7 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

### **Service on person under disability**

s 98 (prev s 96) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1; A2004-60 amdt 1.474  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.475

### **Pleadings and particulars**

pt 12 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 12 hdg by A2004-60 amdt 1.477



**Pleadings generally**

div 12.1 hdg (prev pt 12 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 12.1 hdg by A2004-60 amdt 1.477

**Paragraphs in pleadings**

s 99 (prev s 97) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Facts in evidence**

s 100 (prev s 98) renum 1994 No 61 s 29  
am A2004-60 amdt 1.476  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Brevity**

s 101 (prev s 99) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Documents and spoken words**

s 102 (prev s 100) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Presumed facts**

s 103 (prev s 101) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Conditions precedent**

s 104 (prev s 102) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Money claims**

s 105 (prev s 103) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Matters for specific pleading**

s 106 (prev s 104) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

## Endnotes

4 Amendment history

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### **Contributory negligence**

s 107 (prev s 105) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **New matter**

s 108 (prev s 106) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **Departure**

s 109 (prev s 107) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **Points of law**

s 110 (prev s 108) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **Admissions and traverse**

s 111 (prev s 109) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **Joinder of issue**

s 112 (prev s 110) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **Striking out of inadequate etc pleading**

s 113 (prev s 111) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **General issue abolished**

s 114 (prev s 112) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

### **Particulars**

div 12.2 hdg (prev pt 12 div 2 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 12.2 hdg by A2004-60 amdt 1.477

**Sufficient particulars**

s 115 (prev s 113) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Fraud etc**

s 116 (prev s 114) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Condition of mind**

s 117 (prev s 115) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Negligence and breach of statutory duty**

s 118 (prev s 116) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Out-of-pocket expenses etc**

s 119 (prev s 117) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Amount claimed for property damage**

s 120 (prev s 118) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**How particulars in pleadings given**

s 121 (prev s 119) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Further and better particulars**

s 122 (prev s 120) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.477

**Interlocutory matters**

pt 13 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 13 hdg by A2004-60 amdt 1.479

## Endnotes

### 4 Amendment history

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#### **Interlocutory application**

div 13.1 hdg (prev pt 13 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.1 hdg by A2004-60 amdt 1.479

#### **Interlocutory applications**

s 123 (prev s 121) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Hearing of motion**

s 124 (prev s 122) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Costs on application**

s 125 (prev s 123) renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Amendment**

div 13.2 hdg (prev pt 13 div 2 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.2 hdg by A2004-60 amdt 1.479

#### **General power of amendment**

s 126 (prev s 124) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Amendment of pleading without leave**

s 127 (prev s 125) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Consequential amendment of defence or reply**

s 128 (prev s 126) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Disallowance of amendment**

s 129 (prev s 127) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Duration of leave**

s 130 (prev s 128) renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Direction for mode of amendment**

s 131 (prev s 129) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Simple mode of amendment**

s 132 (prev s 130) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Mode of amendment of fresh document**

s 133 (prev s 131) renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Service after amendment**

s 134 (prev s 132) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Statutes of limitation**

s 135 (prev s 133) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Amendment of judgment, order or certificate to correct error**

s 136 (prev s 134) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Costs in relation to amendment**

s 137 (prev s 135) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Summary judgment**

div 13.3 hdg (prev pt 13 div 3 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.3 hdg by A2004-60 amdt 1.479

## Endnotes

4 Amendment history

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### **Summary judgment for plaintiff**

s 138 (prev s 136) am 1984 No 77  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

### **Summary stay or dismissal**

s 139 (prev s 137) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

### **Residue of proceedings**

s 140 (prev s 138) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

### **Dismissal for want of prosecution**

s 141 (prev s 139) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

### **Parties**

div 13.4 hdg (prev pt 13 div 4 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.4 hdg by A2004-60 amdt 1.479

### **Joinder of parties generally**

s 142 (prev s 140) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

### **Joint right**

s 143 (prev s 141) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

### **Common liability**

s 144 (prev s 142) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

### **Inconvenient joinder of parties**

s 145 (prev s 143) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Misjoinder and nonjoinder of parties**

s 146 (prev s 144) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Joinder of parties by order**

s 147 (prev s 145) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Removal of parties**

s 148 (prev s 146) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Death, transmission etc**

s 149 (prev s 147) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Further conduct of proceedings**

s 150 (prev s 148) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Failure to proceed after death of party**

s 151 (prev s 149) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Representatives re concurrent interests**

s 152 (prev s 150) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Deceased person**

s 153 (prev s 151) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Executors and administrators**

s 154 (prev s 151A) ins 1994 No 61 s 10  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

## Endnotes

### 4 Amendment history

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#### **Consolidation**

div 13.5 hdg (prev pt 13 div 5 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.5 hdg by A2004-60 amdt 1.479

#### **Consolidation**

s 155 (prev s 152) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Admissions**

div 13.6 hdg (prev pt 13 div 6 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.6 hdg by A2004-60 amdt 1.479

#### **Voluntary admissions**

s 156 (prev s 153) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Notice to admit facts**

s 157 (prev s 154) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Admission of documents discovered**

s 158 (prev s 155) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Judgment on admissions**

s 159 (prev s 156) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Restricted effect of admissions**

s 160 (prev s 157) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Costs**

s 161 (prev s 158) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479



**Interrogatories**

div 13.7 hdg (prev pt 13 div 7 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.7 hdg by A2004-60 amdt 1.479

**Interrogatories**

s 162 (prev s 159) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Discovery and inspection**

div 13.8 hdg (prev pt 13 div 8 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 13.8 hdg by A2004-60 amdt 1.479

**Notice for discovery**

s 163 (prev s 160) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Discovery on notice**

s 164 (prev s 161) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Limitation of discovery on notice**

s 165 (prev s 162) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Codefendants**

s 166 (prev s 163) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Order for general discovery**

s 167 (prev s 164) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

**Contents of affidavit of discovery**

s 168 (prev s 165) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

## Endnotes

### 4 Amendment history

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#### **Absence of privilege**

s 169 (prev s 166) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Order for particular discovery**

s 170 (prev s 167) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Document referred to in pleading or affidavit**

s 171 (prev s 168) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Order for production**

s 172 (prev s 169) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Power to take copies**

s 173 (prev s 170) renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Production to court**

s 174 (prev s 171) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Inspection to decide objection**

s 175 (prev s 172) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

#### **Order only if necessary**

s 176 (prev s 173) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479

- Default**  
s 177 (prev s 174) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.478  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479
- Public interest**  
s 178 (prev s 175) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.479
- Hearing**  
pt 14 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 14 hdg by A2004-60 amdt 1.496
- Setting down for hearing**  
div 14.1 hdg (prev pt 14 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 14.1 hdg by A2004-60 amdt 1.496
- Certificate of readiness for hearing**  
s 179 orig s 179 am 1990 No 5 s 6  
om 1994 No 61 s 11  
(prev s 176) am 1990 No 5 sch 1; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.480  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496
- Application for expedited hearing**  
s 180 (prev s 177) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496
- Procedure on hearing**  
div 14.2 hdg (prev pt 14 div 2 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 14.2 hdg by A2004-60 amdt 1.496
- Hearings to be in public except in special circumstances**  
s 181 (prev s 178) renum 1994 No 61 s 29  
sub 1996 No 6 s 20  
om A2004-60 amdt 1.481
- Court's direction in relation to conduct of hearing**  
s 182 (prev s 180) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

## Endnotes

4 Amendment history

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### **Order of presentation of cases**

s 183 (prev s 181) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

### **Procedure if both parties appear**

s 184 (prev s 182) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1999 No 22 s 26  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

### **Procedure in absence of party**

s 185 (prev s 183) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

### **Procedure if neither party appears**

s 186 (prev s 184) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

### **Subpoena to witness**

div 14.3 hdg (prev pt 14 div 3 hdg) renum R2 LA  
sub A2004-60 amdt 1.482  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 14.3 hdg by A2004-60 amdt 1.496

### **Issue of subpoena**

s 187 hdg sub A2004-60 amdt 1.483  
s 187 (prev s 185) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1;  
1994 No 81 sch  
renum 1994 No 61 s 29  
am 1998 No 54 sch; 1999 No 22 s 27; 2000 No 17 sch 1;  
ss renum R7 LA; A2003-48 amdt 2.12; A2004-60  
amds 1.484-1.487, amds 1.489-1.491  
(7) reloc to Magistrates Court Act 1930, pt 5.1 as s 293 (1) by  
A2004-60 amdt 1.488  
remainder reloc to Magistrates Court (Civil Jurisdiction) Rules  
2004 by A2004-60 amdt 1.496

### **Production by non-party**

s 188 (prev s 186) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.493  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

**Setting aside of summons**

s 189 (prev s 187) renum 1994 No 61 s 29  
am A2004-60 amdt 1.493  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

**Production on notice**

s 190 (prev s 188) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.493  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

**Adjournment, stay or postponement of proceedings**

div 14.4 hdg (prev pt 14 div 4 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 14.3 hdg by A2004-60 amdt 1.496

**Adjournment of proceedings**

s 191 (prev s 189) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

**Stay of proceedings**

s 192 (prev s 190) renum 1994 No 61 s 29  
sub A2004-60 amdt 1.494  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

**Postponement of hearing by registrar**

s 193 (prev s 191) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.496

**Case stated for Supreme Court**

div 14.5 hdg (prev pt 14 div 5 hdg) renum R2 LA  
om A2004-60 amdt 1.495

**Case stated**

s 194 (prev s 192) renum 1994 No 61 s 29  
om A2004-60 amdt 1.495

**Evidence**

pt 15 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 15 hdg by A2004-60 amdt 1.499

**Evidence generally**

div 15.1 hdg (prev pt 15 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 15.1 hdg by A2004-60 amdt 1.499

## Endnotes

### 4 Amendment history

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#### **Oral evidence**

s 195 (prev s 193) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

#### **Evidence by affidavit**

s 196 orig s 196 am 1990 No 5 s 6; 1994 No 81 sch  
om 1994 No 61 s 11  
(prev s 194) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

#### **Examination on oath**

s 197 (prev s 195) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

#### **Proof of court documents**

s 198 (prev s 197) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

#### **Medical evidence**

s 199 (prev s 198) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.497  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

#### **Privilege**

s 200 (prev s 199) renum 1994 No 61 s 29  
am A2004-60 amdt 1.498  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

#### **Dispensing with rules of evidence**

s 201 (prev s 200) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

#### **Examinations de bene esse**

div 15.2 hdg (prev pt 15 div 2 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 15.2 hdg by A2004-60 amdt 1.499

**Order for examination of witnesses**

s 202 (prev s 201) am 1986 No 74 s 87; 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.499

**Affidavits**

div 15.3 hdg (prev pt 15 div 3 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as div 15.3 hdg by A2004-60 amdt 1.499

**Time for swearing affidavits**

s 203 (prev s 202) am 1994 No 61 s 12  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.499

**Form of affidavit**

s 204 (prev s 203) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.499

**Irregularity in affidavit**

s 205 (prev s 204) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.499

**Filing and service of affidavit**

s 206 (prev s 205) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.499

**Cross-examination of deponent**

s 207 (prev s 206) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.499

**Contents of affidavits**

s 208 (prev s 207) am 1990 No 5 s 6; 1994 No 61 s 13  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.499

## Endnotes

4 Amendment history

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### **Deponents for affidavits answering interrogatories or of discovery**

s 209 (prev s 208) am 1989 No 38; 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

### **Affidavit by illiterate or blind person**

s 210 (prev s 209) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

### **Affidavit by person unable to understand English**

s 211 (prev s 210) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

### **Annexures and exhibits to affidavits**

s 212 (prev s 211) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

### **Alterations in affidavits**

s 213 (prev s 212) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

### **Scandalous or offensive matter**

s 214 (prev s 213) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.499

### **Judgment**

pt 16 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 16 hdg by A2004-60 amdt 1.510

### **Powers of court on judgment**

s 215 (prev s 214) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

### **Damages to time of assessment in certain cases**

s 216 (prev s 215) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510



**Judgment in actions relating to detention of goods**

s 217 (prev s 216) am 1990 No 5 s 6  
sub 1994 No 61 s 14  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2; 1998 No 54 sch; A2004-60 amdt 1.500,  
amdt 1.501  
(4) reloc to Magistrates Court Act 1930, pt 5.1 in s 294 by  
A2004-60 amdt 1.502  
remainder reloc to Magistrates Court (Civil Jurisdiction) Rules  
2004 by A2004-60 amdt 1.510

**Judgment for costs only**

s 218 (prev s 217) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Time for compliance**

s 219 (prev s 217A) ins 1994 No 61 s 15  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Judgment final and conclusive**

s 220 (prev s 218) renum 1994 No 61 s 29  
am A2004-60 amdt 1.504  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Setting aside of judgment or order**

s 221 (prev s 219) am 1994 No 61 s 16  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Setting aside of judgment entered irregularly**

s 222 (prev s 220) renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Time of effect of judgment or order**

s 223 (prev s 221) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

## Endnotes

### 4 Amendment history

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#### **Reservation of judgment or decision**

s 224 (prev s 222) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

#### **Minute of judgment**

s 225 (prev s 223) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

#### **Formal order for judgment**

s 226 (prev s 224) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

#### **Evidence of judgment**

s 227 (prev s 225) renum 1994 No 61 s 29  
am A2004-60 amdt 1.505  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

#### **Joint liability**

s 228 (prev s 226) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.506  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

#### **Setting off of judgments**

s 229 (prev s 227) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

#### **Interest up to judgment**

s 230 (prev s 227A) ins 1987 No 13 s 6  
renum 1994 No 61 s 29  
sub A2004-60 amdt 1.507  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

#### **Judgment by default, confession or agreement—interest**

s 231 (prev s 227B) ins 1987 No 13 s 6  
am 1989 No 58 s 2  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.508  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Judgment for interest only**

s 232 (prev s 227C) ins 1987 No 13 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Amendment of claim for interest**

s 233 (prev s 227D) ins 1987 No 13 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Interest on judgments**

s 234 (prev s 228) am 1993 No 91 sch 3; 1994 No 61 s 17  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2; 1999 No 66 sch 3  
sub A2004-60 amdt 1.509  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Limitation periods**

s 235 (prev s 229) sub 1994 No 61 s 18  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Payment of judgment debts generally**

s 236 (prev s 229A) ins 1994 No 61 s 18  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Payment of part of judgment debt**

s 237 (prev s 229B) ins 1994 No 61 s 18  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Entry and enforcement of judgment in Supreme Court**

s 238 (prev s 230) am 1991 No 44 s 7 (2), sch 1; 1994 No 61 s 19  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.510

**Interpleader**

pt 17 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 17 hdg by A2004-60 amdt 1.511

## Endnotes

### 4 Amendment history

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#### **Meaning of *property* for pt 17**

s 239 (prev s 231) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.511

#### **Interpleader by defendant**

s 240 (prev s 232) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.511

#### **Interpleader by bailiff**

s 241 (prev s 233) am 1991 No 44 s 7 (2), sch 1; 1994 No 61 s 20  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.511

#### **Notice of application for relief**

s 242 (prev s 234) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.511

#### **Interpleader proceedings**

s 243 (prev s 235) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.511

#### **Service of documents**

s 244 (prev s 236) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.511

#### **Adverse titles**

s 245 (prev s 237) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.511

#### **Costs**

pt 18 hdg reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 18 hdg by A2004-60 amdt 1.518

#### **General**

div 18.1 hdg (prev pt 18 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 18.1 hdg by A2004-60 amdt 1.518

**Costs in discretion of court or to follow event**

s 246 (prev s 238) renum 1994 No 61 s 29  
am A2004-60 amdt 1.512  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Time for exercise of court's powers in relation to costs**

s 247 (prev s 239) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Fixing of costs**

s 248 (prev s 240) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.512  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Agreement about costs**

s 249 (prev s 241) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Entitlement to taxation**

s 250 (prev s 242) renum 1994 No 61 s 29  
am A2004-60 amdt 1.512  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Costs part of judgment debt**

s 251 (prev s 243) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Court's power about costs if no jurisdiction**

s 252 (prev s 244) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Power of court to vary entitlement to taxed costs**

s 253 (prev s 245) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Time for payment of costs**

s 254 (prev s 246) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

## Endnotes

4 Amendment history

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### **Taxation if judgment subject to appeal etc**

s 255 (prev s 247) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Noncompliance with rules or order**

s 256 hdg am A2004-60 amdt 1.513  
s 256 (prev s 248) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.514  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Liability of solicitor for costs**

s 257 (prev s 249) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Particular items**

div 18.2 hdg (prev pt 18 div 2 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 18.2 hdg by A2004-60 amdt 1.518

### **Nature of costs to be allowed or disallowed on taxation**

s 258 (prev s 250) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Scale of costs**

s 259 (prev s 251) am 1994 No 76 sch  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1; A2004-60 amdt 1.514-1.516  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Scale of costs for proceedings on cross-claim**

s 260 (prev s 252) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Scale of costs in enforcement proceedings**

s 261 (prev s 253) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Scale of costs in proceedings if there are separate judgments against defendants**

s 262 (prev s 254) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Amount paid to nonlegal representative**

s 263 (prev s 255) renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Retainer to legal practitioner**

s 264 (prev s 256) renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Brief fees paid to more than 1 barrister**

s 265 (prev s 257) renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Refresher fees**

s 266 (prev 258) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Fees when barrister absent**

s 267 (prev s 259) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Reckoning of 5 hour periods**

s 268 (prev s 260) renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Amounts paid to witnesses**

s 269 (prev s 261) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

## Endnotes

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### **Expenses of preparing plans etc**

s 270 (prev s 262) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Disbursements**

s 271 (prev s 263) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1; A2004-60 amdt 1.517  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Costs not otherwise provided for**

s 272 (prev s 264) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Taxation**

div 18.3 hdg (prev pt 18 div 3 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 18.3 hdg by A2004-60 amdt 1.518

### **Filing, and appointment to tax, bill of costs**

s 273 (prev s 265) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Contents of bills of costs**

s 274 (prev s 266) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **General powers of registrar on taxation**

s 275 (prev s 267) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

### **Notice of adjournment of taxation proceedings**

s 276 (prev s 268) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518



**Report to court**

s 277 (prev s 269) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Reference to court for directions**

s 278 (prev s 270) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Default of party entitled**

s 279 (prev s 271) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Cross costs**

s 280 (prev s 272) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Certificate of taxed costs**

s 281 (prev s 273) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.517  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Review of taxation**

s 282 (prev s 274) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Costs of proceedings before registrar on taxation**

s 283 (prev s 275) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

**Fee to barrister on taxation proceedings**

s 284 (prev s 276) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

## Endnotes

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#### **Attendance of parties on taxation**

s 285 (prev s 277) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

#### **Security for costs**

div 18.4 hdg (prev pt 18 div 4 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 18.4 hdg by A2004-60 amdt 1.518

#### **Security for costs**

s 286 (prev s 278) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.518

#### **Enforcement of judgments**

pt 19 hdg (prev pt 18A hdg) ins 1994 No 61 s 21  
renum 1997 No 94 s10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 19 hdg by A2004-60 amdt 1.538

#### **Preliminary**

div 19.1 hdg (prev pt 19 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 19.1 hdg by A2004-60 amdt 1.538

#### **Interpretation for pt 19**

s 287 (prev s 278A) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1999 No 33 sch  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Exercise of powers**

s 288 (prev s 278B) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Costs**

s 289 (prev s 278C) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Judiciary (Stay of Proceedings) Act 1933 not to apply**

s 290 (prev s 278D) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Court may exercise powers of registrar**

s 291 (prev s 278E) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Orders at time of judgment**

div 19.2 hdg (prev pt 19 div 2 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 19.2 hdg by A2004-60 amdt 1.538

**Instalment and garnishee orders**

s 292 orig s 292 am 1986 No 74; 1990 No 5 sch 1; 1991 No 39 s 8;  
1991 No 44 s 7 (2), sch 1  
om 1994 No 5 s 8  
(prev s 278F) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Order for issue of writ of execution**

s 293 (prev s 278G) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Examination procedures**

div 19.3 hdg (prev pt 19 div 3 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 19.3 hdg by A2004-60 amdt 1.538

**Notice requiring financial information**

s 294 (prev s 278H) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Issue of examination summons**

s 295 (prev s 278I) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

## Endnotes

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### **Content of examination summons**

s 296 (prev s 278IA) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Service of examination summons**

s 297 (prev s 278IB) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Examination of judgment debtor**

s 298 (prev s 278J) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Orders following examinations**

s 299 (prev s 278K) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Report of certain examinations**

s 300 (prev s 278L) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Subsequent examinations**

s 301 (prev s 278M) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Failure to attend in answer to summons**

s 302 (prev s 278N) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Warrants**

s 303 (prev s 278O) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1995 No 27 s 5  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Police assistance**

s 304 (prev s 278P) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Examination after issue of warrant**

s 305 (prev s 278Q) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Refusal to be examined**

s 306 (prev s 278R) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Registrar may adjourn examination**

s 307 (prev s 278S) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Power of Minister to determine fees**

s 307B ins 1991 No 39 s 11  
om 1994 No 5 s 11

**Instalment orders**

div 19.4 hdg (prev pt 19 div 4 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 19.4 hdg by A2004-60 amdt 1.538

**Instalment orders on application by judgment debtor**

s 308 (prev s 278T) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Instalment orders by agreement**

s 309 (prev s 278U) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Objection by judgment creditor to instalment order**

s 310 (prev s 278V) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

## Endnotes

### 4 Amendment history

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#### **Hearing by court**

s 311 (prev s 278W) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Service of instalment orders**

s 312 (prev s 278X) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Judgment creditor may apply for variation or revocation**

s 313 (prev s 278Y) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Stay of enforcement of judgment**

s 314 (prev s 278Z) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Payment to judgment creditor**

s 315 (prev s 278AA) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Default**

s 316 (prev s 278AB) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

#### **Garnishee orders**

div 19.5 hdg (prev pt 19 div 5 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 19.5 hdg by A2004-60 amdt 1.538

#### **Orders on application to registrar**

s 317 (prev s 278AC) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Grounds for refusing orders**

s 318 (prev s 278AD) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Form and effect of orders**

s 319 (prev s 278AE) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1999 No 33 sch  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Service of garnishee orders**

s 320 (prev s 278AF) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Stay of garnishee orders attaching earnings**

s 321 (prev s 278AG) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Part only of earnings may be attached**

s 322 (prev s 278AH) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**One order attaching earnings to operate at a time**

s 323 (prev s 278AI) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Limitations on payments under orders attaching earnings**

s 324 (prev s 278AJ) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.519  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Accounts with authorised deposit-taking institutions**

s 325 (prev s 278AK) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1999 No 33 sch  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

## Endnotes

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### **Direct crediting—veterans' pensions**

s 326 (prev s 278AL) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1999 No 33 sch  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Payments by garnishees**

s 327 (prev s 278AM) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Time for payment**

s 328 (prev s 278AN) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Notice by garnishee to judgment creditor**

s 329 (prev s 278AO) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1998 No 54 sch; A2004-60 amdts 1.520-1.523  
(2) reloc to Magistrates Court Act 1930, pt 5.1 in s 295 by  
A2004-60 amdt 1.524  
remainder reloc to Magistrates Court (Civil Jurisdiction) Rules  
2004 by A2004-60 amdt 1.538

### **Application to vary or revoke garnishee order**

s 330 (prev s 278AP) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Application for instalment order**

s 331 (prev s 278AQ) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Determination of application**

s 332 (prev s 278AR) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.525  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538



**Court may order writ of execution to be issued**

s 333 (prev s 278AS) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**No debts due or accruing**

s 334 (prev s 278AT) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Failure to comply with order**

s 335 (prev s 278AU) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Lien or claim of third party on debt**

s 336 (prev s 278AV) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Excess paid by garnishee**

s 337 (prev s 278AW) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1998 No 54 sch; A2004-60 amdt 1.526, amdt 1.528  
(1) reloc to Magistrates Court Act 1930, pt 5.1 in s 296 by  
A2004-60 amdt 1.527  
remainder reloc to Magistrates Court (Civil Jurisdiction) Rules  
2004 by A2004-60 amdt 1.538

**Reduction of attached debt**

s 338 (prev s 278AX) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Deductions by garnishees**

s 339 (prev s 278AY) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.529  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

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### **Judgment debtor ceases employment**

s 340 (prev s 278AZ) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1998 No 54 sch; A2004-60 amdt 1.530, amdt 1.532,  
amdt 1.533  
(1) reloc to Magistrates Court Act 1930, pt 5.1 in s 297 by  
A2004-60 amdt 1.531  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Prejudice to employee**

s 341 (prev s 278BA) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1998 No 54 sch; A2004-60 amdt 1.534  
reloc to Magistrates Court Act 1930, pt 5.1 as s 298 by  
A2004-60 amdt 1.535

### **Stay of enforcement of judgment**

s 342 (prev s 278BB) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Execution against personal property**

div 19.6 hdg (prev pt 19 div 6 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 19.6 hdg by A2004-60 amdt 1.538

### **Issue of writs of execution**

s 343 (prev s 278BC) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Leave to issue required in certain circumstances**

s 344 (prev s 278BD) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
pars renum R7 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Form of writ of execution**

s 345 (prev s 278BE) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Priority and duration of writs**

s 346 (prev s 278BF) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Seizure of property for sale**

s 347 (prev s 278BG) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am A2004-60 amdt 1.536  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Seizure of money and things in action**

s 348 (prev s 278BH) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Entry, search and seizure—bailiff's powers**

s 349 (prev s 278BI) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
sub 1998 No 7 s 4  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Safekeeping of property seized**

s 350 (prev s 278BJ) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Property seized not abandoned**

s 351 (prev s 278BK) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Removal of property seized**

s 352 (prev s 278BL) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Notice of seizure**

s 353 (prev s 278BM) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

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### **Exempt property**

s 354 (prev s 278BN) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Stay of sale of property seized**

s 355 (prev s 278BO) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Payment preventing execution**

s 356 (prev s 278BP) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Suspension of execution by judgment creditor**

s 357 (prev s 278BQ) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Agreements to withdraw and re-enter**

s 358 (prev s 278BR) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Deposit to cover costs of execution**

s 359 (prev s 278BS) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Conditions of sale**

s 360 (prev s 278BT) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Time of sale**

s 361 (prev s 278BU) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Postponement**

s 362 (prev s 278BV) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Determining market value**

s 363 (prev s 278BW) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Judgment debtor may challenge market value**

s 364 (prev s 278BWA) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Sale by public auction**

s 365 (prev s 278BX) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Sale by private agreement**

s 366 (prev s 278BY) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Terms about payment**

s 367 (prev s 278BZ) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Sale price to be recorded**

s 368 (prev s 278CA) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Purchase by bailiffs or auctioneer prohibited**

s 369 (prev s 278CB) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

## Endnotes

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### **Auctioneer to account**

s 370 (prev s 278CC) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Surplus sale proceeds paid to judgment debtor**

s 371 (prev s 278CD) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Costs of execution**

s 372 (prev s 278CE) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Payment of amounts raised to registrar**

s 373 (prev s 278CF) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Proceeds of writ**

s 374 (prev s 278CG) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1996 No 26 sch pt 17  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Account**

s 375 (prev s 278CH) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Order for disposal**

s 376 (prev s 278CI) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

### **Property to be returned to judgment debtor**

s 377 (prev s 278CJ) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Separate execution for costs**

s 378 (prev s 278CK) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Interference with seized property etc**

s 379 hdg sub A2004-15 amdt 2.119  
s 379 (prev s 278CL) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
am 1998 No 54 sch; A2004-15 amdt 2.120, amdt 2.121  
reloc to Magistrates Court Act 1930, pt 5.1 as s 299 by  
A2004-60 amdt 1.537

**Liability of bailiffs**

s 380 (prev s 278CM) ins 1994 No 61 s 21  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Miscellaneous**

div 19.7 hdg (prev pt 19 div 7 hdg) ins 2000 No 66 sch 1 pt 9  
renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 19.7 hdg by A2004-60 amdt 1.538

**Enforcement of payment directed by Essential Services Consumer Council**

s 380A ins 2000 No 66 sch 1 pt 9  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.538

**Transfer of proceedings from or to Supreme Court**

pt 20 hdg (prev pt 19 hdg) renum 1997 No 94 s 10

**Transfer of action from Supreme Court**

s 381 (prev s 279) renum 1994 No 61 s 29

**Procedure on transfer of action from Supreme Court**

s 382 (prev s 280) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29

**Removal of proceedings into Supreme Court**

s 383 (prev s 281) renum 1994 No 61 s 29

**Stay of proceedings**

s 384 (prev s 282) renum 1994 No 61 s 29

## Endnotes

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### **Appeals to Supreme Court**

pt 21 hdg (prev pt 19A hdg) ins 1984 No 76  
renum 1997 No 94 s 10  
am 1997 No 94 sch 2  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 21 hdg by A2004-60 amdt 1.542

### **Interpretation for pt 21**

s 385 (prev s 282A) ins 1984 No 76  
am 1985 No 67 sch pt 1  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
om A2004-60 amdt 1.539

### **Jurisdiction**

s 386 (prev s 282B) ins 1984 No 76  
am 1990 No 5 sch 1  
renum 1994 No 61 s 29  
om A2004-60 amdt 1.539

### **Cases in which appeal may be brought**

s 387 (prev s 282C) ins 1984 No 76  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
om A2004-60 amdt 1.539

### **Appeals—Small Claims Court**

s 387A ins 1997 No 94 sch 2  
om A2004-60 amdt 1.539

### **Application for leave to appeal**

s 388 (prev s 282D) ins 1984 No 76  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2; A2004-60 amdt 1.540  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.542

### **Institution of appeal**

s 389 (prev s 282E) ins 1984 No 76  
am 1985 No 67 sch pt 1; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.542

### **Substituted service of notice of appeal**

s 390 (prev s 282F) ins 1984 No 76  
renum 1994 No 61 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.542



**Evidence on appeal**

s 391 (prev s 282G) ins 1984 No 76  
renum 1994 No 61 s 29  
om A2004-60 amdt 1.541

**Effect of appeal on execution of judgment**

s 392 (prev s 282H) ins 1984 No 76  
am 1986 No 53 s 6  
renum 1994 No 61 s 29  
om A2004-60 amdt 1.541

**Powers of Supreme Court on appeal**

s 393 (prev s 282J) ins 1984 No 76  
am 1985 No 67 sch pt 1  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.542

**Small Claims Court**

pt 22 hdg ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 22 hdg by A2004-60 amdt 1.575

**Preliminary**

div 22.1 hdg (prev pt 22 div 1 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 22.1 hdg by A2004-60 amdt 1.575

**Definitions for pt 22**

s 394 prev s 394 (prev s 283) renum as s 470 1997 No 94 s 10  
pres s 394 ins 1997 No 94 s 6  
am 2001 No 44 amdt 1.2786, amdt 1.2787  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575  
def **application** am A2004-60 amdt 1.543  
def **debt application** sub A2004-60 amdt 1.544  
def **debt declaration** am A1999-66 sch 3  
sub A2004-18 s 28  
def **legal practitioner** om A1997-96 sch 1  
def **referee** sub A2004-60 amdt 1.545  
def **subpoena** ins A2004-60 amdt 1.546  
def **summons** om A2004-60 amdt 1.546

**Explanatory material in forms etc**

s 394A ins 2001 No 44 amdt 1.2788  
am A2004-60 amdt 1.547  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

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### **Application of rules to small claims proceedings**

s 395 hdg am A2004-60 amdt 1.548  
s 395 prev s 395 (prev s 284) renum as s 471  
pres s 395 ins 1997 No 94 s 6  
am 1997 No 94 sch 2; A2004-60 amdt 1.549, amdt 1.550  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Establishment and jurisdiction**

div 22.2 hdg (prev pt 22 div 2 hdg) renum R2 LA  
om A2004-60 amdt 1.551

### **Small Claims Court**

s 396 prev s 396 (prev s 285) renum as s 472  
pres s 396 ins 1997 No 94 s 6  
am 1997 No 94 sch 2  
om A2004-60 amdt 1.551

### **Referees—appointment**

s 397 prev s 397 (prev s 286) renum as s 473  
pres s 397 ins 1997 No 94 s 6  
om A2004-60 amdt 1.551

### **Referees—functions**

s 398 prev s 398 (prev s 287) renum as s 474  
pres s 398 ins 1997 No 94 s 6  
om A2004-60 amdt 1.551

### **Referees—oath or affirmation of office**

s 399 prev s 399 (prev s 288) renum as s 475  
pres s 399 ins 1997 No 94 s 6  
am 2001 No 44 amdt 1.2789  
om A2004-60 amdt 1.551

### **Referees—resignation**

s 400 prev s 400 (prev s 289) renum as s 476  
pres s 400 ins 1997 No 94 s 6  
am 1997 No 96 sch 1  
om A2004-60 amdt 1.551

### **Jurisdiction**

s 401 prev s 401 (prev s 290) renum as s 477  
pres s 401 ins 1997 No 94 s 6  
om A2004-60 amdt 1.551

### **\$10 000 limit**

s 402 prev s 402 (prev s 291) renum as s 478  
pres s 402 ins 1997 No 94 s 6  
am 1997 No 94 sch 2; 1999 No 66 sch 3  
om A2004-60 amdt 1.551

**Commencement of proceedings**

div 22.3 hdg (prev pt 22 div 3 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 22.3 hdg by A2004-60 amdt 1.575

**Assistance to members of public**

s 403 prev s 403 (prev s 293) renum as s 479  
pres s 403 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Originating applications**

s 404 prev s 404 (prev s 294) renum as s 480  
pres s 404 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Single application for each matter**

s 405 prev s 405 (prev s 295) renum as s 481  
pres s 405 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Debt declarations**

s 406 prev s 406 (prev s 295A) renum as s 482  
pres s 406 ins 1997 No 94 s 6  
am 1997 No 94 sch 2; 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Interest claims**

s 407 prev s 407 (prev s 296) renum as s 483  
pres s 407 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Service of originating applications**

s 408 prev s 408 (prev s 297) renum as s 484  
pres s 408 ins 1997 No 94 s 6  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Amendments**

s 409 prev s 409 (prev s 298) renum as s 485  
pres s 409 ins 1997 No 94 s 6  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

## Endnotes

4 Amendment history

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### **Pre-conference procedures**

div 22.4 hdg (prev pt 22 div 4 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 22.4 hdg by A2004-60 amdt 1.575

### **Application—common boundaries applications**

s 410 prev s 410 (prev s 299) renum as s 486  
pres s 410 ins 1997 No 94 s 6  
am 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Response**

s 411 prev s 411 (prev s 300) renum as s 487  
pres s 411 ins 1997 No 94 s 6  
am 1997 No 94 sch 2; 1997 No 96 sch 1  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Admission of liability**

s 412 prev s 412 (prev s 300A) renum as s 488  
pres s 412 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Admission of liability—payment of money**

s 413 prev s 413 (prev s 301) renum as s 489  
pres s 413 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Admission of liability—bonds**

s 414 prev s 414 (prev s 302) renum as s 490  
pres s 414 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Admission of liability—acceptance by applicant**

s 415 prev s 415 (prev s 303) renum as s 491  
pres s 415 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Contested applications—conferences and inquiries**

s 416 prev s 416 (prev s 304) renum as s 492  
pres s 416 ins 1997 N 94 s 6  
am 1997 No 94 sch 2  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Failure to respond**

s 417 prev s 417 (prev s 305) renum as s 493  
pres s 417 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Striking out application**

div 22.5 hdg (prev pt 22 div 5 hdg) renum R2 LA  
sub A2004-60 amdt 1.552  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 22.5 hdg by A2004-60 amdt 1.575

**Originating applications struck out after 1 year**

s 418 prev s 418 (prev s 306) renum as s 494  
pres s 418 ins 1997 No 94 s 6  
am 1997 No 94 sch 2  
sub A2004-60 amdt 1.552  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Conferences**

div 22.6 hdg (prev pt 22 div 6 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 22.6 hdg by A2004-60 amdt 1.575

**Directions for conferences**

s 419 prev s 419 (prev s 306A) renum as s 495  
ins 1997 No 94 s 6  
am 1997 No 94 sch 2  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Conference objectives**

s 420 prev s 420 (prev s 307) renum as s 496  
pres s 420 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Variation of conference fixtures**

s 421 prev s 421 (prev s 307A) renum as s 497  
pres s 421 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Representation at conferences**

s 422 prev s 422 (prev s 308) renum as s 498  
pres s 422 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

## Endnotes

### 4 Amendment history

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#### **Persons entitled to be present**

s 423 orig s 423 (prev s 309) am 1985 No 67 sch pt 1  
renum 1994 No 61 s 29  
om 1997 No 94 sch 2  
pres s 423 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Adjournment**

s 424 orig s 424 (prev s 310) am 1985 No 67 sch pt 1  
renum 1994 No 61 s 29  
om 1997 No 94 sch 2  
pres s 424 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Consent judgments**

s 425 prev s 425 (prev s 311) renum as s 499  
pres s 425 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Failure of conciliation—direction for inquiry**

s 426 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Admissibility of conference proceedings in inquiries**

s 427 ins 1997 No 94 s 6  
om A2004-60 amdt 1.553

#### **Failure to attend conference**

s 428 ins 1997 No 94 s 6  
am A2004-60 amdt 1.554  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Inquiries**

div 22.7 hdg (prev pt 22 div 7 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 22.7 hdg by A2004-60 amdt 1.575

#### **General procedure**

sdiv 22.7.1 hdg (prev pt 22 subdiv A hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
sdiv 22.7.1 hdg by A2004-60 amdt 1.575

#### **Directions for inquiries**

s 429 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Inquiries—constitution of Small Claims Court**

s 430 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Inquiry procedure**

s 431 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Investigators**

s 432 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Giving evidence by oath or affirmation**

s 433 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Representation at inquiries**

s 434 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Public nature of inquiries**

s 435 ins 1997 No 94 s 6  
om A2004-60 amdt 1.555

**Interlocutory applications**

s 436 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Adjournment of inquiry**

s 437 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Transfer of small claims proceedings to general jurisdiction of court**

s 438 ins 1997 No 94 s 6  
am A2004-60 amdt 1.556  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Transfer of proceedings in general jurisdiction of court to small claims jurisdiction**

s 439 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

## Endnotes

4 Amendment history

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### **Discontinuance**

s 440 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Failure to appear**

s 441 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Dismissal for abuse of process**

s 442 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Restoration of proceedings**

s 443 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Witnesses and evidence**

sdiv 22.7.2 hdg (prev pt 22 subdiv B hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
sdiv 22.7.2 hdg by A2004-60 amdt 1.575

### **Summons**

s 444 ins 1997 No 94 s 6  
am A2004-60 amdt 1.557  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Summons to produce**

s 445 ins 1997 No 94 s 6  
am A2004-60 amdt 1.557  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Retention of subpoenaed documents and things**

s 446 hdg sub A2004-60 amdt 1.558  
s 446 ins 1997 No 94 s 6  
am A2004-60 amdt 1.559  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

### **Witness fees and expenses**

s 447 ins 1997 No 94 s 6  
am A2004-60 amdt 1.559  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575



**Enforcement of subpoena**

s 448 hdg sub A2004-60 amdt 1.560  
s 448 ins 1997 No 94 s 6  
am 1998 No 54 sch; A2004-60 amdt 1.561, amdt 1.562,  
amds 1.564-1.566  
(1) reloc to Magistrates Court Act 1930, pt 5.1 as s 300 (1) by  
A2004-60 amdt 1.563  
remainder reloc to Magistrates Court (Civil Jurisdiction) Rules  
2004 by A2004-60 amdt 1.575

**Witness before Small Claims Court to answer questions**

s 449 hdg sub A2004-60 amdt 1.567  
s 449 ins 1997 No 94 s 6  
reloc to Magistrates Court Act 1930, pt 5.1 as s 301 by  
A2004-60 amdt 1.568

**Judgments**

sdiv 22.7.3 hdg (prev pt 22 subdiv C hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
sdiv 22.7.3 hdg by A2004-60 amdt 1.575

**Finality of judgments**

s 450 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Consent judgments**

s 451 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Form of judgments**

s 452 ins 1997 No 94 s 6  
am 2001 No 44 amdt 1.2790  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Counterclaims and set-offs**

s 453 ins 1997 No 94 s 6  
am 1999 No 66 sch 3  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Interest up to judgment—Small Claims Court**

s 454 ins 1997 No 94 s 6  
sub A2004-60 amdt 1.569  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

## Endnotes

### 4 Amendment history

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#### **Interest on judgment debts**

s 455 ins 1997 No 94 s 6  
sub A2004-60 amdt 1.569  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Costs**

s 456 ins 1997 No 94 s 6  
am 1999 No 66 sch 3; A2004-60 amdt 1.570  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Orders to perform work**

s 457 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Orders to perform work—conditions for payment**

s 458 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Goods orders**

s 459 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Trespass**

s 460 ins 1997 No 94 s 6  
am A2004-60 amdts 1.571-1.573  
(2) reloc to Magistrates Court Act 1930, pt 5.1 in s 302 by  
A2004-60 amdt 1.574  
remainder reloc to Magistrates Court (Civil Jurisdiction) Rules  
2004 by A2004-60 amdt 1.575

#### **Debt declarations—orders**

s 461 ins 1997 No 94 s 6  
sub A2004-18 s 29  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Other orders**

s 462 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

#### **Enforcement of judgments**

sdiv 22.7.4 hdg (prev pt 22 subdiv D hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
sdiv 22.7.4 hdg by A2004-60 amdt 1.575

**Application of Act**

s 463 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Joint liability**

s 464 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Notice—orders made in person's absence**

s 465 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Enforcement of orders by executors and administrators**

s 466 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Payment of money under judgment**

s 467 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Service of documents**

div 22.8 hdg (prev pt 22 div 8 hdg) renum R2 LA  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
div 22.8 hdg by A2004-60 amdt 1.575

**Service**

s 468 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Doubtful service**

s 469 ins 1997 No 94 s 6  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.575

**Miscellaneous**

pt 23 hdg (prev pt 20 hdg) renum 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 as  
pt 23 hdg by A2004-60 amdt 1.579

**Directions as to procedure**

s 470 (prev s 283 and s 394) renum 1994 No 61 s 29; 1997 No 94  
s 10  
om A2004-60 amdt 1.576

## Endnotes

### 4 Amendment history

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#### **Approved forms**

s 471 (prev s 284 and s 395) am 1991 No 44 s 7 (2), sch 1; 1994 No 61 s 22  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
renum 1997 No 94 s 10  
sub 2001 No 44 amdt 1.2791  
am 2002 No 22 amdts 1.2-1.4  
(7)-(10) exp 12 September 2002 (s 471 (10))  
om A2004-60 amdt 1.576

#### **Headings of court documents**

s 472 (prev s 285 and s 396) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
renum 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

#### **Requirements for documents**

s 473 (prev s 286 and s 397) renum 1994 No 61 s 29; 1997 No 94 s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

#### **Power of court in relation to scandalous etc documents**

s 474 (prev s 287 and s 398) renum 1994 No 61 s 29; 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

#### **Notice of rejection of documents**

s 475 (prev s 288 and s 399) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29; 1997 No. 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

#### **Signature of legal practitioner on documents**

s 476 (prev s 289 and s 400) am 1990 No 5 s 6; 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29; 1997 No 94 s 10  
am 1999 No 66 sch 3  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Sealing duplicate documents**

s 477 (prev s 290 and s 401) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29; 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Court seals**

s 478 (prev s 291 and s 402) am 1990 No 5 s 6; 1991 No 44 s 7 (2),  
sch 1; 1994 No 61 s 23  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
renum 1997 No 94 s 10  
am 1999 No 66 sch 3; ss renum R7 LA; A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Magistrate in chambers**

s 479 (prev s 293 and s 403) am 1990 No 5 s 6  
renum 1994 No 61 s 29; 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Chamber business**

s 480 (prev s 294 and s 404) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29; 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Consent orders**

s 481 (prev s 295 and s 405) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29; 1997 No 94 s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Right of appearance**

s 482 (prev s 295A and s 406) ins 1994 No 61 s 24  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2; 1997 No 96 sch 1  
renum 1997 No 94 s 10  
am 1999 No 22 s 28; 2000 No 17 sch 1; A2003-48 amdt 2.12;  
A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Review of decisions of registrar**

s 483 (prev s 296 and s 407) am 1991 No 44 s 7 (2), sch 1  
renum 1994 No 61 s 29; 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

## Endnotes

4 Amendment history

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### **Representation by legal practitioner**

s 484 (prev s 297 and s 408) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
renum 1997 No 94 s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

### **Appointment of legal practitioner**

s 485 (prev s 298 and s 409) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
renum 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

### **Change of legal practitioner**

s 486 (prev s 299 and s 410) am 1990 No 5 s 6  
renum 1994 No 61 s 29  
am 1997 No 96 sch 1  
renum 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

### **Time of effect of change etc of legal practitioner**

s 487 (prev s 300 and s 411) renum 1994 No 61 s 29  
am 1997 No 94 sch 2; 1997 No 96 sch 1  
renum 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

### **Corporations acting in person**

s 488 (prev s 300A and s 412) ins 1994 No 61 s 25  
renum 1994 No 61 s 29; 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

### **Reckoning of time**

s 489 (prev s 301 and s 413) renum 1994 No 61 s 29; 1997 No 94  
s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

**Extension and abridgment of time**

s 490 (prev s 302 and s 414) renum 1994 No 61 s 29; 1997 No 94 s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.579

**Fixing of times**

s 491 (prev s 303 and s 415) renum 1994 No 61 s 29; 1997 No 94 s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.579

**Irregularity in proceedings**

s 492 (prev s 304 and s 416) renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
renum 1997 No 94 s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.579

**Restoration of proceedings struck out**

s 493 (prev s 305 and s 417) renum 1994 No 61 s 29; 1997 No 94 s 10  
am A2004-60 amdt 1.577  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.579

**Certified copies of official records**

s 494 (prev s 306 and s 418) am 1990 No 5 s 6; 1991 No 39 s 9; 1991 No 44 s 7 (2), sch 1; 1994 No 5 s 9  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
renum 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.579

**Records of default judgments**

s 495 (prev s 306A and s 419) ins 1984 No 77  
am 1991 No 39 s 10  
sub 1994 No 5 s 10  
renum 1994 No 61 s 29  
am 1997 No 94 sch 2  
renum 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by A2004-60 amdt 1.579

## Endnotes

### 4 Amendment history

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#### **Infant plaintiffs**

s 496 (prev s 307 and s 496) am 1990 No 5 s 6  
renum 1994 No 61 s 29; 1997 No 94 s 10  
reloc to Magistrates Court (Civil Jurisdiction) Rules 2004 by  
A2004-60 amdt 1.579

#### **Rule-making power**

s 497 (prev s 307A and s 421) ins 1989 No 38 s 31  
am 1989 No 56 s 3; 1990 No 5 sch 1; 1991 No 106 sch  
renum 1994 No 61 s 29; 1997 No 94 s 10  
sub 2001 No 44 amdt 1.2792  
om 2001 No 81 s 36

#### **Regulation-making power**

s 498 (prev s 308 and s 422) am 1990 No 5 sch 1  
renum 1994 No 61 s 29; 1997 No 94 s 10  
sub 2001 No 44 amdt 1.2792  
om A2004-60 amdt 1.578

#### **Application of Magistrates Court Act 1930 and rules**

pt 24 hdg (prev pt 21 hdg) am 1997 No 94 sch 2  
renum 1997 No 94 s 10

#### **Application of former procedural provisions to new proceedings**

s 499 (prev s 311 and s 425) am 1984 No 76; 1985 No 67 sch pt 1;  
1994 No 61 s 26  
renum 1994 No 61 s 29; 1997 No 94 s 10  
table renum R11 LA

#### **Appointment of referees in Small Claims Court**

sch 1 hdg sub 1997 No 94 sch 2  
sch 1 orig sch 1 (prev sch) am 1985 No 67 sch pt 1; 1987 No 13 s 7;  
1990 No 5 sch 1; 1991 No 44 s 7 (2), sch 1; 1994 No 61 s 27;  
1997 No 94 sch 2; 1997 No 96 sch 1; 1999 No 79 s 5 sch 3  
om 2001 No 44 amdt 1.2793  
pres sch 1 (prev sch 3) ins 1997 No 9  
renum 2001 No 44 amdt 1.2794

#### **Small claims forms**

sch 2 ins 1997 No 94 sch 1  
om 2001 No 44 amdt 1.2793

#### **Appointment of referees in Small Claims Court**

sch 3 renum as sch 1 2001 No 44 amdt 1.2994



## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1991 No 106	31 March 1992
2	Act 1993 No 91	31 December 1993
3	Act 1994 No 61	10 April 1995
4	Act 1996 No 26	28 February 1997
5	Act 1998 No 7	1 June 1998
6	Act 2001 No 44	23 November 2001
7	Act 2001 No 90	27 March 2002
8*	Act 2002 No 22	1 July 2002
9	Act 2002 No 22	13 September 2002
10	A2003-2	4 March 2003
11	A2004-15	9 April 2004
12	A2004-18	20 April 2004
13	A2004-18	30 April 2004

## 6 Renumbered provisions

This Act was renumbered under the *Magistrates Court (Enforcement of Judgments) Act 1994*, in R6 (see s 29). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R9.

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