

MAGISTRATES' COURTS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill extends the civil jurisdiction of Magistrates' Courts.

At present these Courts are limited in their general civil jurisdiction to cases in which the amount of the claim or the value of the chattels or relief claimed or in issue does not exceed £500. *Clause 2* of this Bill extends that jurisdiction to cases in which that amount or value does not exceed £1,000.

The Courts' jurisdiction to hear and determine any action for the recovery of land is at present limited to cases where the rent (if any) payable in respect thereof does not exceed the rate of £320 a year or (if no such rent is payable) where the value of the land in question does not exceed £4,000. *Clause 3* of this Bill extends that jurisdiction to cases where the rent does not exceed the rate of £550 a year or (if no such rent is payable) the value of the land does not exceed £7,000.

Section 43 of the principal Act gives a right to a defendant to have an action transferred to the Supreme Court where the amount of the claim or the value of the property or relief claimed or in issue exceeds £100. *Clause 4* of this Bill limits that right to cases where that amount or value exceeds £200.

Section 50 of the principal Act provides that any person under the age of twenty-one years may sue in a Magistrate's Court for any sum of money, not exceeding £500 which may be due to him for wages or piecework, or for work as a servant, in the same manner as if he were of full age. *Clause 5* of this Bill increases that sum to £1,000.

Section 71 of the principal Act gives any party to any proceeding in a Magistrate's Court a right to appeal to the Supreme Court against any non-suit or final determination or direction of the Magistrate's Court without the leave of the Magistrate's Court where the amount of the claim or the value of the property or relief claimed or in issue exceeds £20. *Clause 6* of this Bill limits that right to cases where that amount or value exceeds £50.

Hon. Mr Hanan

MAGISTRATES' COURTS AMENDMENT

ANALYSIS

Title	
1. Short Title	4. Transfer to Supreme Court of proceedings within jurisdiction
2. Extending general civil jurisdiction of Magistrates' Courts	5. Amount of wages, etc., for which infant may sue
3. Extending jurisdiction in actions for recovery of land	6. Right to appeal

A BILL INTITLED

An Act to amend the Magistrates' Courts Act 1947

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same,
5 as follows:

1. Short Title—This Act may be cited as the Magistrates' Courts Amendment Act 1961, and shall be read together with and deemed part of the Magistrates' Courts Act 1947* (hereinafter referred to as the principal Act).

*1957 Reprint, Vol. 8, p. 647
Amendments: 1959, No. 73; 1960, No. 112

2. Extending general civil jurisdiction of Magistrates' Courts—The principal Act is hereby amended—

- (a) By omitting from section 29 the words "five hundred pounds" wherever they occur, and substituting in each case the words "one thousand pounds": 5
- (b) By omitting from paragraph (b) of section 30 the words "five hundred pounds", and substituting the words "one thousand pounds":
- (c) By omitting from section 33 the words "five hundred pounds" wherever they occur, and substituting in each case the words "one thousand pounds": 10
- (d) By omitting from section 34 the words "five hundred pounds" wherever they occur, and substituting in each case the words "one thousand pounds":
- (e) By omitting from section 36 the words "five hundred pounds" wherever they occur, and substituting in each case the words "one thousand pounds". 15

3. Extending jurisdiction in actions for recovery of land—Section 31 of the principal Act is hereby amended—

- (a) By omitting from subsection (1) the words "three hundred and twenty pounds", and substituting the words "five hundred and fifty pounds": 20
- (b) By omitting from subsection (1) the words "four thousand pounds", and substituting the words "seven thousand pounds". 25

4. Transfer to Supreme Court of proceedings within jurisdiction—Section 43 of the principal Act is hereby amended by omitting from subsection (1), and also from subsection (2), the words "one hundred pounds", and substituting in each case the words "two hundred pounds". 30

5. Amount of wages, etc., for which infant may sue—Section 50 of the principal Act is hereby amended by omitting from subsection (1) the words "five hundred pounds", and substituting the words "one thousand pounds".

6. Right to appeal—Section 71 of the principal Act is hereby amended by omitting the words "twenty pounds" wherever they occur, and substituting in each case the words "fifty pounds". 35