



SUPREME COURT CIVIL PROCEDURE AMENDMENT
ACT 1984

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No. 39 of 1984
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AN ACT to amend the Supreme Court Civil Procedure Act 1932.

[Royal Assent 20 June 1984]

BE is enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Supreme Court Civil Procedure* Short title.
Amendment Act 1984.

Commencement.

2—This Act shall commence on the day fixed by proclamation under section 2 (2) of the *Local Courts Amendment Act (No. 2) 1983*.

Principal Act.

3—In this Act, the *Supreme Court Civil Procedure Act 1932** is referred to as the Principal Act.

Amendment of section 13 of Principal Act (Costs of actions brought in Supreme Court which might have been brought in an inferior court).

4—Section 13 (1) of the Principal Act is amended by omitting “\$900 in respect of a claim for a debt or liquidated sum, or \$600 in any other case” and substituting “\$5 000”.

Amendment of section 28 of Principal Act (Transfer to inferior courts of civil jurisdiction of actions and counter-claims founded on contract or tort).

5—(1) Section 28 (1) of the Principal Act is amended as follows:—

- (a) by omitting from paragraph (a) “\$1 500, in the case of a claim for a debt or liquidated sum, or \$1 000 in any other case” and substituting “\$5 000”;
- (b) by omitting from paragraph (b) “\$1 500, if the counter-claim is for a debt or liquidated sum, or \$1 000 in any other case” and substituting “\$5 000”.

(2) Section 28 (3) of the Principal Act is amended by omitting “\$1 500” and substituting “\$5 000”.

Amendment of section 30 of Principal Act (Composition of jury in case of actions to be tried with a jury).

6—Section 30 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:—

- (1) In an action to be tried at a civil trial sittings with a jury in which the only claim or claims—
 - (a) is or are to recover, whether as a debt or liquidated demand or unliquidated damages or by way of set-off, a sum or sums of money not exceeding in the whole \$5 000;
 - (b) is or are to recover possession of land or lands the assessed capital value, or the aggregate of the assessed capital values, of which does not exceed \$5 000; or
 - (c) is or are a combination of claims falling within both paragraphs (a) and (b) and the total amount claimed in the action does not exceed \$5 000,

the trial shall be by a jury of 3 jurymen.

* 23 Geo. V No. 58. For this Act, as amended to 1st September 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 52 of 1979 and Nos. 9, 34, and 99 of 1982.

(1A) In the trial of an action to which subsection (1) applies—

- (a) each party is entitled to challenge peremptorily 2 jurors;
- (b) if, after deliberating for one hour, all 3 jurors do not agree as to the verdict, then the decision of two of them shall be taken as the verdict of all 3 jurors; and
- (c) if, after deliberating for 3 hours, two of the jurors do not agree as to the verdict, then the jury shall be discharged.

7—Section 31 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 31 of Principal Act.

31—(1) An action or issue of fact to be tried with a jury, and to which section 30 does not apply, may, if all the parties to the action or issue so agree, be tried with a jury of 3 jurymen.

Trials with juries of 3 jurymen by consent.

(2) Where an agreement is made under subsection (1), section 30 (1A) and (4) apply to and in relation to the trial of the action or issue of fact to which the agreement relates as if it were the trial of an action to which section 30 applies.

