

Queensland



# MAGISTRATES COURTS ACT 1921

**Reprinted as in force on 12 November 1993  
(includes amendments up to Act No. 39 of 1993)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy**

# Information about this reprint

This Act is reprinted as at 12 November 1993. As required by section 5 of the *Reprints Act 1992*, it—

- shows the law as amended by all amendments that commenced on or before that day; and
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

As required by section 6 of the *Reprints Act 1992*, the reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

The opportunity has also been taken, under section 7 of the *Reprints Act 1992*, to do the following—

- omit the enacting words as permitted by section 7(1)(a) of that Act;
- use citations and references permitted by Division 2 of that Act;
- express gender specific provisions in a way consistent with current legislative drafting practice as permitted by section 24 of that Act;
- use different spelling consistent with current legislative drafting practice, as permitted by section 26(2) of that Act;
- use punctuation and expressions consistent with current legislative drafting practice as permitted by sections 27 and 29 of that Act;
- relocate marginal or cite notes as permitted by section 34 of that Act;
- use aspects of format and printing style consistent with current legislative drafting practice as permitted by section 35 of that Act;
- use the numbering and renumbering of provisions and references permitted by section 43 of that Act.

**Also see Endnotes for—**

- **details about when provisions commenced; and**
- **any provisions that have not commenced and are not incorporated in the reprint.**

# Queensland



## MAGISTRATES COURTS ACT 1921

### TABLE OF PROVISIONS

Section	Page
1	Short title and commencement of Act . . . . . 3
2	Interpretation . . . . . 3
3	Registrars . . . . . 4
4	Jurisdiction of Magistrates Courts . . . . . 4
4A	Abandonment of excess etc. . . . . 4
4B	Splitting debt by giving bills etc. . . . . 4
4C	Title to land etc. . . . . 5
4D	Infants . . . . . 5
4E	Executors etc. . . . . 5
4F	Corporations . . . . . 5
4G	Plaint when equitable claim . . . . . 6
4H	When Court has no jurisdiction, case to be struck out . . . . . 6
5	Courts to be courts of record . . . . . 6
6	In what Court actions to be brought . . . . . 6
7	Constitution of Court . . . . . 6
7A	Actions for small debts . . . . . 7
8	Officers of Court . . . . . 7
9	Appearance to be in person or by barrister, or solicitor, or other person allowed by the Court . . . . . 7
10	Court rules and procedure . . . . . 8
10A	Evidence . . . . . 8
11	Judgments to be final . . . . . 8
11AA	New trial . . . . . 8
11AB	Appeal . . . . . 9

11AC	Special case stated by Court .....	10
11AD	Jurisdiction of District Courts .....	10
11AE	No appeal in action for small debt etc. ....	10
11A	Settlement .....	11
11B	Closed hearing of actions for small debts .....	11
11C	Publication of particulars of actions for small debts .....	11
12	Action against officers .....	12
13	Court fees .....	12
13A	Fees and fines to be paid to Consolidated Fund .....	12
13B	Fines, how to be enforced .....	12
14	Power to make rules of court .....	12
15	References to Small Debts Court .....	15
16	Existing rules of court .....	15

**ENDNOTES**

1	Index to Endnotes .....	16
2	Date to which amendments incorporated .....	16
3	List of legislation .....	16
4	List of annotations .....	18
5	Table of renumbered provisions .....	20

# MAGISTRATES COURTS ACT 1921

[as amended by all amendments that commenced on or before 12 November 19932]

## **An Act to amend the laws relating to the jurisdiction of Magistrates and Justices of the Peace in civil matters**

### **Short title and commencement of Act**

1.(1) This Act may be cited as the *Magistrates Courts Act 1921*<sup>3-5</sup>.

(2) Save as hereinafter mentioned, this Act shall come into operation on a day to be fixed by the Governor in Council by proclamation published in the Gazette.

### **Interpretation**

2. In this Act—

“**action**” includes an action and proceedings in replevin or interpleader and garnishee proceedings;

“**action for a small debt**” an action—

- (a) in which the plaintiff seeks to recover a debt or liquidated demand in money payable by the defendant with or without interest which, inclusive of interest, does not exceed the sum of \$5 000 whether on a balance of account or after an admitted set off, a reduction on account of any sum paid by or credited to the defendant or an abandonment of excess or otherwise; and
- (b) which the plaintiff by his or her plaint elects to have heard and determined as an action for a small debt;

“**district**” means a district appointed under the *Justices Act 1886* for the purposes of a Magistrates Court.

**Registrars**

3. A clerk of the court under the *Justices Act 1886* is the registrar of each Magistrates Court held at each place for which the clerk is appointed.

**Jurisdiction of Magistrates Courts****4. Subject to this Act—**

- (a) every personal action in which the amount claimed is not more than \$40 000, whether on a balance of account or after an admitted set off or otherwise; and
- (b) every action brought to recover a sum of not more than \$40 000, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of the distributive share under an intestacy or of a legacy under a will; and
- (c) every action in which a person has an equitable claim or demand against another person in respect of which the only relief sought is the recovery of a sum of money or of damages, whether liquidated or unliquidated, and the amount claimed is not more than \$40 000;

may be commenced in a Magistrates Court, and all Magistrates Courts shall within their respective districts have power and authority to hear and determine in a summary way all such actions.

**Abandonment of excess etc.**

4A. The Court shall have jurisdiction in a personal action if the original claim is reduced to \$40 000, or less, by payment, abandonment of excess, or otherwise, or by deducting any sum for which the plaintiff gives the defendant credit upon the plaint being entered.

**Splitting debt by giving bills etc.**

4B. If a defendant has given 2 or more bills of exchange, promissory notes, bonds, or other securities, for a debt or sum originally exceeding

\$40 000, the plaintiff may sue separately upon each of the securities not exceeding \$40 000 as forming a distinct cause of action.

### **Title to land etc.**

**4C.(1)** Except as by this Act provided, a Magistrates Court shall not have jurisdiction to try any case in which the title to land, or the validity of a devise, bequest, or limitation under a will or settlement, is in question.

**(2)** If the title to land incidentally comes in question in an action, the Court shall have power to decide the claim which it is the immediate object of the action to enforce, but the judgment of the Court shall not be evidence of title between the parties or their privies in another action in that Court or in any proceedings in another Court.

### **Infants**

**4D.** Any person under the age of 18 years to whom any wages or any other sum whatsoever, whether liquidated or unliquidated, not exceeding the amount in respect of which the Court has jurisdiction, is due may sue for and recover such sum in the Court in the same manner as if the person were of full age.

### **Executors etc.**

**4E.(1)** Executors and administrators may sue and are liable to be sued in the Court.

**(2)** A judgment obtained by a plaintiff but not satisfied previous to the plaintiff's death and also all causes of action shall survive to the plaintiff's personal representative, who may sue out execution in his or her own name in the same way that the plaintiff, if living, might have done.

### **Corporations**

**4F.** Corporations and joint stock companies which have an office or place of business at which they carry on business in Queensland shall be amenable to the jurisdiction of Magistrates Courts whether they are constituted under the laws of Queensland or not.

**Plaint when equitable claim**

**4G.** In an action in which a plaintiff seeks to enforce an equitable claim under this Act, the plaint or so much of it as relates to the equitable claim shall express that the plaintiff is suing upon equitable grounds.

**When Court has no jurisdiction, case to be struck out**

**4H.** When an action is brought which the Court has not jurisdiction to try, the Court shall order the action to be struck out, and shall have power to award costs to the same extent and recoverable in the same manner as if the Court had had jurisdiction and the plaintiff had been nonsuited.

**Courts to be courts of record**

**5.(1)** Each Magistrates Court shall be a court of record, and the judgment thereof may be set up as a defence in any action brought in any court of law in Queensland.

**(2)** The entry of the judgment on the cause list of a Magistrates Court shall be deemed to be a record of such judgment.

**In what Court actions to be brought**

**6.** The districts and Courts respectively in which proceedings may be brought and heard and determined shall be as prescribed by rules of court.

**Constitution of Court**

**7.** Every action, including an action for a small debt, within the jurisdiction of the Court for hearing and determination shall be heard and determined by a Stipendiary Magistrate sitting alone provided that, where the rules of court permit, an action, other than an action for a small debt, may be heard and determined by a registrar, not being a police officer, who shall, subject to and in accordance with the rules of court, have the jurisdiction and powers a Stipendiary Magistrate has for the purpose.

**Actions for small debts**

**7A.(1)** An action in which a plaintiff seeks to recover a debt or liquidated demand in money payable by a defendant with or without interest which, inclusive of interest, does not exceed the sum of \$5 000 whether on a balance of account or after an admitted set off, a reduction on account of any sum paid by or credited to the defendant or an abandonment of excess or otherwise may at the election of the plaintiff be heard and determined as an action for a small debt in accordance with this Act, and a Court, within its district and otherwise in accordance with this Act, has power and authority to hear and determine such action.

**(2)** The Court when hearing and determining an action for a small debt is called a Small Debts Court.

**Officers of Court**

**8.(1)** The Court shall from time to time appoint a bailiff or bailiffs for the service and execution of the process, judgments, and orders authorised by this Act.

**(2)** Such bailiff or bailiffs shall receive to their own use the prescribed fees.

**Appearance to be in person or by barrister, or solicitor, or other person allowed by the Court**

**9.(1)** Subject to the rules of court and the orders of the court for the orderly transaction of business, a party to an action or a barrister or solicitor retained by or on behalf of any party, or any person allowed by special leave of the Court, may appear to address the Court and examine and cross-examine the witnesses.

**(2)** But a person not being a barrister or solicitor of the Supreme Court shall not be entitled to receive or recover or receive, directly or indirectly, a sum of money or other remuneration for appearing or acting on behalf of another person in the Court.

**Court rules and procedure**

**10.(1)** The laws of evidence that apply in the Supreme Court apply in the trial of all questions of fact in the Court.

**(2)** However, in an action for a small debt or any other action in which the amount sued for is not more than \$5 000, the Court—

- (a) is not bound by laws of evidence or procedure usually applicable to court cases; and
- (b) may inform itself of the facts in any way that it considers appropriate.

**Evidence**

**10A.(1)** In any legal proceedings whatsoever the books of the Court and any entries therein, or copies of the said books or entries, under the seal of the Court and purporting to be signed and certified by the registrar, shall, upon production and on proof of the identity of the parties concerned, be evidence of the contents of the books or of the judgments or other entries, and of the proceedings referred to in them, and of the regularity of the proceedings.

**(2)** All process of the Court purporting to be sealed shall be received in evidence without further proof thereof.

**Judgments to be final**

**11.(1)** Subject to this Act, all judgments and orders made by the Court shall be final and conclusive.

**(2)** Except as provided by this Act, or by or pursuant to any other Act now in force or hereafter to be passed a judgment given by a Court, or an action brought before it or depending therein, shall not be removed by appeal, motion, writ of error or certiorari, or otherwise into another Court.

**New trial**

**11AA.(1)** Subject to this Act, any party dissatisfied with any decision of the Court may, at any time within 7 clear days from such decision, apply to the Court for a new trial.

(2) The Court hearing the application may grant the same upon such terms as to costs or otherwise as it thinks fit, or, in its discretion, may refuse the same with or without reasonable costs.

## **Appeal**

**11AB.(1)** Subject to this Act, any party who is dissatisfied with the judgment or order of the Court—

- (a) in an action in which the amount involved is more than \$5 000; or
- (b) in an action for the recovery of possession of land if—
  - (i) the value of the land is more than \$5 000; or
  - (ii) the annual rental of the land is more than \$5 000; or
- (c) in proceedings in interpleader in which the amount claimed or the value of the goods in question is more than \$5 000;

may appeal to a District Court as prescribed by rules of court.

(2) Provided that—

- (a) where in any of the cases above referred to in this subsection the amount is not more than \$5 000, an appeal shall lie by leave of a District Court or a Judge thereof, who shall not grant such leave to appeal unless the Court or Judge is satisfied that some important principle of law or justice is involved;
- (b) an appeal shall not lie from the decision of the Magistrates Court if, before the decision is pronounced, both parties agree, in writing signed by themselves or their solicitors or agents, that the decision of the Court shall be final.

(3) The appellant shall, within the time and in the manner prescribed, give notice of the appeal stating briefly the grounds thereof to the other party or the other party's solicitor, and shall also give security (to be approved by the registrar) for the costs of the appeal, or shall, instead of giving security, deposit in the hands of the registrar \$1 600, or such other sum as may be prescribed, to answer the costs of the appeal in the event of the appeal being dismissed.

(4) Notice of appeal shall not operate as a stay of execution upon the judgment, but the execution may proceed unless the magistrate or a Judge

of District Courts otherwise orders.

### **Special case stated by Court**

**11AC.** The Court may state in the form of a special case for the opinion of a District Court any question of law arising in any case.

### **Jurisdiction of District Courts**

**11AD.** On the hearing of an appeal or special case, a District Court may—

- (a) draw inferences of fact from facts found by the Magistrates Court, or from admitted facts or facts not disputed;
- (b) order a new trial on such terms as it thinks just;
- (c) order judgment to be entered for any party;
- (d) make any other order, on such terms as it thinks proper, to ensure the determination on the merits of the real questions in controversy between the parties;
- (e) as regards any special case, remit the matter to the Magistrates Court with the opinion of the District Court thereon;
- (f) make such order with respect to the costs of the appeal or special case as it thinks proper.

### **No appeal in action for small debt etc.**

**11AE.(1)** The judgment of the Magistrates Court upon an action for a small debt shall be final and binding on all parties to the action and no appeal shall lie in respect thereof.

**(2)** No prerogative writ, whether certiorari, prohibition or otherwise shall issue and no declaratory judgment shall be given in respect of an action for a small debt or in respect of an order or judgment therein unless the court before which such writ or judgment is sought is satisfied that the Magistrates Court had no jurisdiction in respect of the action or that there has occurred a denial of natural justice to a party to the action.

**Settlement**

**11A.** If upon the hearing of an action for a small debt it appears to the Court that there are reasonable prospects of settling any matter in dispute by conciliation, the Court may, at any stage of the proceedings, do all such things and take all such steps as may be likely to effect a settlement of the action, but if no such settlement can be reached, the Court may complete the hearing and determination of the action unless, in his or her absolute discretion, the Stipendiary Magistrate constituting the Court considers that he or she is or may be biased or likely to be biased by any statement or admission made by any party to or before the Stipendiary Magistrate, in which case the action shall be heard and determined by the Court constituted by another Stipendiary Magistrate.

**Closed hearing of actions for small debts**

**11B.** The hearing of an action for a small debt shall take place and the determination in respect thereof shall be made in a closed court or in chambers.

**Publication of particulars of actions for small debts**

**11C.(1)** A registrar shall, in accordance with directions given by the Minister, cause to be published periodically in the Gazette the following particulars relating to actions for small debts in the district in respect of which he or she is the registrar—

- (a) the name of the plaintiff;
- (b) the name of the defendant;
- (c) the nature of the action;
- (d) the nature of the judgment of the Court.

**(2)** The Minister may give directions to every such registrar concerning times when such particulars are to be published, and such directions may be given to registrars generally or to any particular registrar.

**Action against officers**

**12.(4)** If an action is brought against a person for anything done under a

warrant or judgment or a certified copy thereof issued or made under this Act, the production of the warrant or judgment or a certified copy thereof under the seal of the Court shall be sufficient proof of the authority of the Court, and such person is hereby indemnified for whatsoever is done by the person in obedience thereto.

### **Court fees**

**13.** There shall be payable in respect of every proceeding in a Magistrates Court the prescribed fees.

### **Fees and fines to be paid to Consolidated Fund**

**13A.** All fees payable in respect of any proceedings to the registrar, except such part of them as the bailiff is entitled to receive and retain for the bailiff's own use under this Act, and all fines imposed under this Act and received by the registrar, shall be paid into the Consolidated Fund.

### **Fines, how to be enforced**

**13B.** Payment of any fine imposed by the Court under the authority of this Act may be enforced upon the order of the Court in like manner as payment of any debt adjudged in the Court.

### **Power to make rules of court**

**14.** The Governor in Council may make rules of court which in the Governor in Council's opinion are necessary, desirable, or convenient for carrying this Act into full effect, and, without limiting the generality of the foregoing powers, for all or any of the following matters, that is to say—

- (a) conferring on the Court or any specified Court—
  - (i) jurisdiction to try any action which might be brought in the Supreme Court, where the parties to the action so agree, and regulating the exercise of such consent jurisdiction;
  - (ii) the whole or part of the jurisdiction heretofore possessed by District Courts in respect of the recovery of possession of land (with or without rent or mesne profits) by landlords

from tenants and other persons;

- (b) the sittings of the Courts, the districts and Courts in which proceedings shall be commenced, removal of proceedings from one district to another;
- (c) abatement or continuance of action in case of death or insolvency of plaintiff or 1 of several plaintiffs;
- (d) the pleading, practice, and procedure in the Court, including among other things—
  - (i) complaints, summonses, defence, particulars, set off, counterclaims (whether equitable or otherwise), amendment of defects or errors in proceedings, parties, joinder and severance and amendment of parties, third-party procedure, payment into and out of Court, proceedings by infants, joinder and severance of causes of action, preventing splitting of demands or dividing of causes of action for the purpose of bringing several actions in the Court, proceedings by husband and wife, actions against 1 or more of several persons jointly liable, interpleader, garnishee proceedings, empowering plaintiff to sue on an account rendered;
  - (ii) reference to arbitration with or without consent of parties, enforcing awards therein;
  - (iii) evidence, whether oral, by affidavit, on commission, or otherwise, including notes of evidence and of points of law arising and decision thereon, examinations de bene esse, summonses for and attendance of witnesses before the Court or in arbitration proceedings or on examinations de bene esse or otherwise, and penalties, not exceeding 2 penalty units, for failure so to attend when summons duly served and expenses duly tendered, admissions, discovery;
  - (iv) trial, nonsuits, adjournment of trial for any cause, proceedings when plaintiff or defendant or both are absent;
  - (v) judgment summonses where the plaintiff seeks only to recover a debt or liquidated amount of money with or without interest;
  - (vi) judgment, including judgment where persons jointly liable

and judgment by default, execution thereon against land and goods, whether within or without any particular district, including publication of warrants of execution against land or goods in substitution for seizure of such land or goods, giving landlord in such cases priority for rent due as in like cases of execution heretofore issued out of District Courts, examination of judgment debtor, execution against the person of the judgment debtor where the debt was fraudulently contracted, or the judgment debtor conceals goods or is about to leave the State or go into remote parts or removes or is about to remove his or her goods with intent to evade payment of the judgment debt, execution where persons jointly liable, payment by instalments of sums ordered to be paid, attachment of goods of defendants;

- (vii) proceedings in chambers;
- (viii) service of process, whether by post or otherwise, proof of service, the times when or within which notices, documents, or process shall be served or given or acts shall be done;
- (ix) new trials, appeals, including the evidence to be used thereon and the admission of further evidence in exceptional cases, special cases;
- (e) the mode of keeping the books, entries, and accounts to be kept by registrars and other officers of the Court, regulating the destination, appropriation, and disposal of suitors' moneys in Court unclaimed for 6 years;
- (f) fees of court, and the time and mode of payment thereof and by whom the same shall be paid, costs, including the fees to be allowed to barristers and solicitors, whether as between party and party, solicitor and client, or otherwise, and the expenses to be paid to witnesses;
- (g) forms for any proceeding in the Court;
- (h) the powers, duties, and authorities of officers of the Court;
- (i) imposing or authorising the Court of its own motion to impose fines or other punishment for contempt of court by any person whomsoever (including officers of the Supreme Court), or for misconduct or neglect by any officer.

**References to Small Debts Court**

**15.** A reference in another Act to a Small Debts Court is a reference to a Magistrates Court.

**Existing rules of court**

**16.** A rule of court contained in an order in council in force for the purposes of this Act immediately before the commencement of this section continues to have effect after the commencement, and may be repealed or amended, as if it were a rule of court made under section 14.

**ENDNOTES****1 Index to Endnotes**

	Page
2 Date to which amendments incorporated . . . . .	16
3 List of legislation . . . . .	16
4 List of annotations . . . . .	18
5 Table of renumbered provisions . . . . .	20

**2 Date to which amendments incorporated**

This is the reprint date mentioned in section 5(c) of the *Reprints Act 1992*. Accordingly, this reprint includes all amendments that commenced operation on or before 2 November 1993. Future amendments of the *Magistrates Courts Act 1921* may be made in accordance with this reprint under section 49 of the *Reprints Act 1992*.

**3 List of legislation****Magistrates Courts Act 1921 12 Geo 5 No. 22**

date of assent 11 November 1921

s 14 commenced 11 November 1921 (see s 14(3))

remaining provisions commenced 3 April 1922 (proc pubd Gaz 30 March 1922 p 999)

as amended by—

**Magistrates Courts Acts Amendment Act 1954 3 Eliz 2 No. 32**

date of assent 28 October 1954

commenced on date of assent

**Justices Acts Amendment Act 1964 No. 32 s 3 Sch**

date of assent 14 April 1964

commenced 1 January 1965 (proc pubd Gaz 7 November 1964 p 827)

**Age of Majority Act 1974 No. 57 s 8 Sch**

date of assent 27 September 1974

commenced 1 March 1975 (proc pubd Gaz 16 November 1974 p 1083)

**Limitation of Actions Act 1974 No. 75 s 4 Sch**

date of assent 1 November 1974

commenced 1 July 1975 (see s 2)

**Magistrates Courts Act Amendment Act 1975 No. 23**

date of assent 15 May 1975

commenced 1 July 1975 (proc pubd Gaz 14 June 1975 p 934)

**District Courts' and Magistrates Courts' Jurisdiction Act 1976 No. 19 Pt 3**

date of assent 15 April 1976

commenced 14 June 1977 (proc pubd Gaz 4 June 1977 p 866)

**District and Magistrates Courts Acts and Property Law Act Amendment Act 1982 No. 51 Pt 3**

date of assent 22 October 1982

commenced 23 May 1983 (proc pubd Gaz 14 May 1983 p 393)

**District Courts (Venue of Appeals) Act 1988 No. 7 Pt 4**

date of assent 7 April 1988

commenced 1 August 1988 (proc pubd Gaz 16 July 1988 p 2876)

**District Courts Act and Other Acts Amendment Act 1989 No. 40 Pt 3**

date of assent 5 May 1989

commenced 1 November 1989 (proc pubd Gaz 21 October 1989 p 1249)

**Public Service (Administrative Arrangements) Act 1990 (No. 2) No. 80 s 3 Sch 6**

date of assent 14 November 1990

commenced on date of assent

**Magistrates Courts Jurisdiction Amendment Act 1993 No. 39 Pts 1–2 s 3 Sch**

date of assent 7 September 1993

ss 1–2 commenced on date of assent

remaining provisions commenced

## 4 List of annotations

### Key to abbreviations in list of annotations

amd	=	amended
Chap	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	<i>Reprints Act 1992</i>
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

### Interpretation

- s 2 def **“action for a small debt”** ins 1975 No. 23 s 3  
 amd 1982 No. 51 s 7; 1989 No. 40 s 18  
 def **“district”** sub 1964 No. 32 s 3 Sch; 1993 No. 39 s 3 Sch  
 def **“Justice”** om 1993 No. 39 s 3 Sch  
 def **“Magistrates Court”** or **“Court”** amd 1964 No. 32 s 3 Sch  
 om 1993 No. 39 s 3 Sch  
 def **“Minister”** ins 1990 No. 80 s 3 Sch 6  
 om 1993 No. 39 s 3 Sch  
 def **“prescribed”** om 1993 No. 39 s 3 Sch  
 def **“registrar”** sub 1964 No. 32 s 3 Sch  
 om 1993 No. 39 s 3 Sch  
 def **“rules of court”** om 1993 No. 39 s 3 Sch  
 def **“this Act”** om 1993 No. 39 s 3 Sch

### Registrars

- s 3 amd 1964 No. 32 s 3 Sch  
 sub 1993 No. 39 s 3 Sch

### Jurisdiction of Magistrates Courts

- s 4 amd 1954 3 Eliz 2 No. 32 s 2; 1964 No. 32 s 3 Sch; 1976 No. 19 s 17;  
 1982 No. 51 s 7; 1989 No. 40 s 19; 1993 No. 39 s 4

### Abandonment of excess etc.

- s 4A (prev s 4(2)) amd 1954 3 Eliz 2 No. 32 s 2(a); 1976 No. 19 s 17(a); 1982  
 No. 51 s 7; 1989 No. 40 s 19; 1993 No. 39 s 4  
 renum 1993 No. 39 s 3 Sch

**Splitting debt by giving bills etc.**

**s 4B** (prev s 4(3)) amd 1954 3 Eliz 2 No. 32 s 2(a); 1976 No. 19 s 17(a); 1982 No. 51 s 7; 1989 No. 40 s 19; 1993 No. 39 s 4  
renum 1993 No. 39 s 3 Sch

**Title to land etc.**

**s 4C** (prev s 4(4)) renum 1993 No. 39 s 3 Sch

**Infants**

**s 4D** (prev s 4(5)) amd 1974 No. 57 s 8 Sch  
renum 1993 No. 39 s 3 Sch

**Executors etc.**

**s 4E** (prev s 4(6)) renum 1993 No. 39 s 3 Sch

**Corporations**

**s 4F** (prev s 4(7)) renum 1993 No. 39 s 3 Sch

**Plaint when equitable claim**

**s 4G** (prev s 4(8)) renum 1993 No. 39 s 3 Sch

**When Court has no jurisdiction, case to be struck out**

**s 4H** (prev s 4(9)) renum 1993 No. 39 s 3 Sch

**Constitution of Court**

**s 7** amd 1954 3 Eliz 2 No. 32 s 3; 1964 No. 32 s 3 Sch  
sub 1975 No. 23 s 4

**Actions for small debts**

**s 7A** ins 1975 No. 23 s 5  
amd 1982 No. 51 s 7; 1989 No. 40 s 20

**Officers of Court**

**s 8** amd 1964 No. 32 s 3 Sch

**Court rules and procedure**

**s 10** amd 1954 3 Eliz 2 No. 32 s 4; 1975 No. 23 s 6; 1982 No. 51 s 7; 1989 No. 40 s 21; 1993 No. 39 s 5

**Evidence**

**s 10A** (prev s 10(2)) renum 1993 No. 39 s 3 Sch

**Judgments to be final**

**s 11** amd 1976 No. 19 s 18; 1989 No. 40 s 22; 1993 No. 39 s 6

**New trial**

**s 11AA** (prev s 11(2)) renum 1993 No. 39 s 3 Sch

**Appeal**

**s 11AB** (prev s 11(3)) amd 1954 3 Eliz 2 No. 32 s 5; 1982 No. 51 s 7; 1988 No. 7 s 14(a)  
renum 1993 No. 39 s 3 Sch

**Special case stated by Court**

**s 11AC** (prev s 11(4)) amd 1988 No. 7 s 14(b)  
renum 1993 No. 39 s 3 Sch

**Jurisdiction of District Courts**

**s 11AD** (prev s 11(5)) amd 1988 No. 7 s 14(c)  
renum 1993 No. 39 s 3 Sch

**No appeal in action for small debt etc.**

**prov hdg** ins 1993 No. 39 s 3 Sch  
**s 11AE** (prev s 11(6)) ins 1975 No. 23 s 7  
renum 1993 No. 39 s 3 Sch

**Settlement**

**s 11A** ins 1975 No. 23 s 8

**Closed hearing of actions for small debts**

**s 11B** ins 1975 No. 23 s 9

**Publication of particulars of actions for small debts**

**s 11C** ins 1975 No. 23 s 10  
amd 1990 No. 80 s 3 Sch 6

**Action against officers**

**s 12** amd 1974 No. 75 s 4 Sch

**Fees and fines to be paid to Consolidated Fund**

**s 13A** (prev s 13(2) 1st sentence) renum 1993 No. 39 s 3 Sch

**Fines, how to be enforced**

**s 13B** (prev s 13(2) 2nd sentence) renum 1993 No. 39 s 3 Sch

**Power to make rules of court**

**s 14** amd 1989 No. 40 s 23; 1993 No. 39 s 3 Sch

**References to Small Debts Court**

**s 15** ins 1993 No. 39 s 3 Sch

**Existing rules of court**

**s 16** ins 1993 No. 39 s 3 Sch

**5 Table of renumbered provisions**

TABLE OF RENUMBERED PROVISIONS  
under section 43 of *Reprints Act 1992*

Original	Renumbered as
4C (1st sentence)	4C(1)
4C (2nd sentence)	4C(2)
4E (1st sentence)	4E(1)
4E (2nd sentence)	4E(2)
8 (1st sentence)	8(1)
8 (2nd sentence)	8(2)
9 (1st sentence)	9(1)
9 (2nd sentence)	9(2)

10A (1st sentence)	10A(1)
10A (2nd sentence)	10A(2)
11 (1st sentence)	11(1)
11 (2nd sentence)	11(2)
11AA (1st sentence)	11AA(1)
11AA (2nd sentence)	11AA(2)
11AB (1st sentence)	11AB(1)
11AB (1st sentence) (i)	11AB(1)(a)
11AB (1st sentence) (ii)	11AB(1)(b)
11AB (1st sentence) (ii)(A)	11AB(1)(b)(i)
11AB (1st sentence) (ii)(B)	11AB(1)(b)(ii)
11AB (1st sentence) (iv)	11AB(1)(c)
11AB (2nd sentence)	11AB(2)
11AB (3rd sentence)	11AB(3)
11AB (4th sentence)	11AB(4)
11AE (1st sentence)	11AE(1)
11AE (2nd sentence)	11AE(2)
14(i)	14(a)
14(i)(a)	14(a)(i)
14(i)(b)	14(a)(ii)
14(ii)	14(b)
14(iii)	14(c)
14(iv)	14(d)
14(iv)(a)	14(d)(i)
14(iv)(b)	14(d)(ii)
14(iv)(c)	14(d)(iii)
14(iv)(d)	14(d)(iv)
14(iv)(e)	14(d)(v)
14(iv)(f)	14(d)(vi)
14(iv)(g)	14(d)(vii)
14(iv)(h)	14(d)(viii)
14(iv)(i)	14(d)(ix)
14(v)	14(e)
14(vi)	14(f)
14(vii)	14(g)
14(iii)	14(h)
14(iv)	14(i)