



NORTHERN TERRITORY OF AUSTRALIA

No. 10 of 1982

AN ACT

To amend the *Small Claims Act*

[Assented to 8 April 1982]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Small Claims Amendment Act 1982*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Small Claims Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 4 of the Principal Act is amended by omitting sub-section (3).

5. PROCEEDINGS UNDER THIS ACT

Section 5 of the Principal Act is amended -

- (a) by omitting from sub-section (1) "1,000 dollars" and substituting "2,000 dollars"; and
- (b) by omitting sub-section (3).

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6. ABANDONMENT OF EXCESS

Section 8 of the Principal Act is amended by omitting "1,000 dollars" (twice occurring) and substituting "2,000 dollars".

7. REPEAL AND SUBSTITUTION

Section 13 of the Principal Act is repealed and the following substituted:

"13. EVIDENCE MAY BE ON OATH, &c.

"(1) Subject to sub-section (2), for the purposes of taking evidence in proceedings, the Magistrate presiding over those proceedings may require a person giving evidence in those proceedings to take an oath.

"(2) A person required under sub-section (1) to take an oath may make an affirmation or declaration in lieu of taking the oath."

8. COUNTER CLAIM AND SET-OFF

Section 17 of the Principal Act is amended by omitting from sub-sections (1) and (3) "1,000 dollars" (wherever occurring) and substituting "2,000 dollars".

9. COURT FEES

Section 45(2) of the Principal Act is amended -

(a) by omitting from paragraph (b) "and";

(b) by omitting from paragraph (c) "demand," and substituting "demand; and"; and

(c) by inserting after paragraph (c) the following:

"(d) for the enforcement of a judgment,".

10. NEW SECTION

The Principal Act is amended by inserting immediately after section 49 the following:

"50. REGULATIONS

"The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted by this Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Act."

11. REPEAL

The Schedule to the Principal Act is repealed.

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12. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 12

AMENDMENTS

Provision	Amendment	
	omit	substitute
Section 6(1)	"Form 1"	"the prescribed form"
Section 9(1)(a)	"Form 1"	"the prescribed form"
	"Form 2"	"the prescribed form"
Section 9(1)(b)	"Form 3"	"the prescribed form"
Section 9(2)	"Form 4"	"the prescribed form"
Section 10(1)(b)	"Form 4"	"the prescribed form"
Section 10(2)(b)	"Form 5"	"the prescribed form"
Section 10(5)(a)	"Form 4"	"the prescribed form"
Section 10(5)	"Form 6"	"the prescribed form"
Section 10(6)	"Form 4"	"the prescribed form"
Section 10(7)(a) and (b)	"Form 4"	"the prescribed form"
Section 10(8)(b)	"Form 6"	"the prescribed form"
Section 10(9)	"Form 6"	"the prescribed form"
Section 20(1)	"Form 7"	"the prescribed form"
Section 44	"Form 8"	"the prescribed form"
Section 46(1)	"Form 9"	"the prescribed form"

