

NORTHERN TERRITORY OF AUSTRALIA

LOCAL COURT AMENDMENT BILL 1998

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Local Court Act*

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 *Local Court Amendment Act 1998*.

2. COMMENCEMENT

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Local Court Act* is in this Act referred to as the Principal Act.

4. RULES AND PROCEDURES

Section 21 of the Principal Act is amended by omitting from subsection (2)(a) "fees, costs and charges" and substituting "costs".

Local Court Amendment

5. NEW SECTIONS

The Principal Act is amended by inserting after section 22 the following:

"22A. POWERS OF PERSON EXECUTING WARRANT OF SEIZURE AND SALE

"(1) A person to whom a warrant of seizure and sale is directed is, by operation of this section, authorised for the purposes of executing the warrant to enter and remain on premises he or she believes on reasonable grounds to be owned or occupied by the person named or described in the warrant.

"(2) Subject to section 22B, the authorisation under subsection (1) does not authorise the use of force or violence.

"(3) A person referred to in subsection (1) may request a member of the Police Force to assist him or her in the execution of the warrant.

"(4) In this section, 'premises' includes land (whether built on or not), a building or part of a building.

"22B. POWERS OF POLICE WHO EXECUTE OR ASSIST IN EXECUTION OF WARRANT OF SEIZURE AND SALE

"(1) A member of the Police Force who -

(a) is the person to whom a warrant of seizure and sale is directed; or

(b) is assisting a person in the execution of a warrant of seizure and sale,

may for the purpose of the execution of the warrant enter and remain, with the force that is necessary and reasonable, on premises that he or she believes on reasonable grounds to be owned or occupied by the person named or described in the warrant.

"(2) Nothing in this section derogates from the powers a member of the Police Force has under any other law in force in the Territory."

Local Court Amendment

6. NEW SECTION

The Principal Act is amended by inserting after section 36 in Part VI the following:

"36A. REGULATIONS

"(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters —

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

"(2) Without limiting subsection (1), the Regulations may —

- (c) prescribe the fees and charges payable in respect of a proceeding in the Court or any other matter or thing under the Act;
 - (d) prescribe the time for the payment of fees and charges;
 - (e) provide for the waiver of the payment of a fee or charge, in whole or in part, or the exemption of specified persons from the payment of a fee or charge; and
 - (f) provide for the recovery of a fee or charge that has been waived or that a person is exempt from paying and, on its recovery, the payment of an amount equal to the fee or charge to the Court."
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