

VICTORIA.



ANNO SEPTIMO DECIMO

ELIZABETHÆ SECUNDÆ REGINÆ

No. 7705.

An Act to abolish Courts of General Sessions of the Peace, to vest the Jurisdiction thereof in the County Court and for other purposes.

[15th October, 1968.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):—

1. (1) This Act may be cited as the *County Court (Jurisdiction) Act 1968*. Short title.

(2) The *County Court Act 1958* is in this Act referred to as the Principal Act.

Principal Act No. 6230—reprinted to No. 7420 and subsequently amended by Nos. 7522, 7581, 7651.

(3) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the *Government Gazette*.

Commencement.

Amendment of
No. 6230 s. 4.
General sessions
jurisdiction
vested in
County Court.

2. In sub-section (1) of section 4 of the Principal Act after the word "Victoria" there shall be inserted the words "for the trial of indictable offences triable in the County Court under this Act, for the determination of appeals lying to the County Court under this Act or any other Act and".

Transitory
provisions.

3. After section 5 of the Principal Act there shall be inserted the following sections :—

Sittings.

'5A. (1) Every place which immediately prior to the commencement of the *County Court (Jurisdiction) Act 1968* was a place appointed under Part VII. of the *Justices Act 1958* for the holding of a court of general sessions shall upon the said commencement become and be a place directed by the Governor in Council for holding the County Court and every day and hour which immediately prior to the said commencement was a day and hour fixed for the holding of a court of general sessions or of the County Court in any place shall be deemed upon the said commencement to be a day and hour for holding the County Court whether sitting in its criminal jurisdiction or otherwise.

Committals for
trial.

(2) Any person committed for trial prior to the commencement of the *County Court (Jurisdiction) Act 1968* to a court of general sessions of the peace who has not at the said commencement been tried and convicted or acquitted of the offence in respect of which he was committed for trial shall be deemed to have been committed for trial to the County Court sitting in the place appointed for the holding of the court of general sessions to which he was committed for trial.

Appeals.

(3) Any appeal to a court of general sessions of the peace that is not heard and determined before the commencement of the *County Court (Jurisdiction) Act 1968* shall be heard and determined in all respects as if the notice of appeal was given to or the appeal entered in the County Court sitting in the place appointed before the said commencement for the holding of the said court of general sessions.

Part heard
matters.

(4) Any trial appeal or hearing commenced or pending in a court of general sessions before the commencement of the *County Court (Jurisdiction) Act 1968* and not concluded before the said commencement may be concluded in the County Court after the said commencement in all respects as if it had been commenced in the County Court after the said commencement.

(5) Any preliminary examination with respect to an indictable offence which was commenced before a justice or justices before the commencement of this Act but not concluded may be concluded after the said commencement in all respects as if the examination were commenced after the said commencement.

(6) A new

(6) A new trial of any matter heard in a court of general sessions before the commencement of the *County Court (Jurisdiction) Act 1968* may be ordered by the County Court to be held in the County Court.

(7) The books and records of a court of general sessions of the peace abolished by the *County Court (Jurisdiction) Act 1968* shall be kept by the registrar or deputy registrar of the County Court at the place where the court of general sessions was held prior to the said commencement and the registrar or deputy registrar may certify any such book or record or any copy thereof or extract therefrom as if he were the clerk of the peace or deputy clerk of the peace.

Records of general sessions

5B. (1) Any reference in any Act or in any proclamation regulation rule or by-law to a "court of general sessions" or to a "court of general sessions of the peace" shall after the commencement of the *County Court (Jurisdiction) Act 1968* be read and construed as a reference to the County Court and any reference to a "chairman of general sessions" shall be read and construed as a reference to a judge of the County Court.

Construction of references.

(2) Any reference in any summons, application, notice, recognizance, judgment, order, determination, decision, direction, or other instrument to a "court of general sessions" or "court of general sessions of the peace" shall after the commencement of the *County Court (Jurisdiction) Act 1968* be read and construed as a reference to the County Court and any reference to a "chairman of general sessions" shall be read and construed as a reference to a judge of the County Court.

4. In section 7 of the Principal Act—

(a) for sub-section (2) there shall be substituted the following sub-section :—

Amendment of No. 6230 s. 7. Notice of sittings.

"(2) Notice of the days on which the court will commence sitting at each such place shall be published in the *Government Gazette*." ; and

(b) in sub-section (3) for the words "shall be put up in some conspicuous place in the court house and in the office of the registrar" there shall be substituted the words "shall be published in the *Government Gazette*".

5. In sub-section (3) of section 10 of the Principal Act for the expression "\$600" there shall be substituted the expression "\$1,500".

Amendment of No. 6230 s. 10. Increase in additional allowance to chairman of judges.

6. After

Amendment of
No. 6230 s. 23.

6. After sub-section (3) of section 23 of the Principal Act there shall be inserted the following sub-section :—

Assistants to
bailiff at
Melbourne.

“(4) The bailiff at Melbourne may from time to time in writing appoint to assist him any person for the time being licensed under the *Private Agents Act* 1966 as a process server.”

Division
inserted.

7. After section 36 of the Principal Act there shall be inserted the following heading and section :—

“DIVISION 1A.—CRIMINAL JURISDICTION.

Criminal
jurisdiction of
County Court.

36A. (1) The court shall have jurisdiction to inquire into hear and determine and adjudge all indictable offences (whether committed before or after the commencement of the *County Court (Jurisdiction) Act* 1968) save and except the offences following (that is to say) :—

- (a) Treason and misprision of treason ;
- (b) The offences referred to in sections 3, 10, 11 and 13 of the *Crimes Act* 1958 and the offence referred to in section 130 of that Act of burglariously breaking and entering a dwelling house and assaulting with intent to murder a person therein ;
- (c) Attempts to murder ;
- (d) Offences against the Queen’s title prerogative person or government or against either House of Parliament ;
- (e) Unlawful combinations and conspiracies to commit any offence which when committed by one person is triable only in the Supreme Court ;
- (f) Offences which by any Act cannot be prosecuted or tried in the County Court.

County Court
to have same
powers &c. as
Supreme Court
in criminal
matters.

(2) Subject to sub-section (1) and unless otherwise expressly provided the County Court shall have jurisdiction and powers with respect to indictable offences and the trial thereof as fully and amply to all intents and purposes as the Supreme Court of Victoria in like matters and the general principles of practice and procedure observed for the time being in the Supreme Court of Victoria with respect to the trial or determination of indictable offences shall be adopted and applied in the County Court.”

Division
inserted.

8. After section 53 of the Principal Act there shall be inserted the following heading and section :—

“DIVISION 7A.—APPELLATE JURISDICTION.

Appellate
jurisdiction of
County Court.

53A. Except where otherwise expressly provided the Court may try hear and determine all appeals referred to in section 141 of the *Justices Act* 1958 from convictions or orders of courts of petty sessions or of a justice or justices and any appeal to the Court by or under the provisions of any other Act and where in

any

any Act any reference or application is made to the County Court the Court shall have the same power of making orders with respect to costs and of enforcing those orders as it has in the case of appeals from convictions and orders of courts of petty sessions."

9. The Principal Act is hereby amended as follows :—

Consequential
amendments of
No. 6230.

(a) In section 1—

- (i) in the part of the Table relating to Part II.—
after the expression "Division 1.—Local
Limits of Jurisdiction ss. 35 and 36."
there shall be inserted the expression
"Division 1A.—Criminal Jurisdiction
s. 36A." ;
after the expression "Division 7.—Power
to grant Relief ss. 49–53." there
there shall be inserted the expression
"Division 7A.—Appellate Jurisdiction
s. 53A." ; and
- (ii) for the expression "Part V.—Trial" there
shall be substituted the expression "Part
V.—Trial of Actions or Matters" ;

(b) In section 3—

- (i) in the interpretation of "Action" for the
words "every proceeding" there shall be
substituted the words "every civil
proceeding" ; and
- (ii) in the interpretation of "Matter" for the
words "every proceeding" there shall be
substituted the words "every civil
proceeding" ;

(c) In section 5—

- (i) for the words "actions or matters" (wherever
occurring) there shall be substituted the
words "criminal proceedings, appeals,
actions, or matters" ; and
- (ii) for the words "action or matter" (wherever
occurring) there shall be substituted the
words "criminal proceeding, appeal,
action, or matter" ;

(d) In section 21—

- (i) in sub-section (1)—
in paragraph (a) for the words
"summonses and warrants" there
shall be substituted the words
"summonses warrants and other
process" ;

in

in paragraph (b) for the words "actions and matters" there shall be substituted the words "criminal proceedings, appeals, actions, and matters"; and

after paragraph (c) there shall be inserted the following paragraphs:—

"(ca) arraign prisoners;

(cb) enter appeals;

(cc) file convictions orders and other records and perform any acts necessary to give effect to the judgments or orders of the court;" and

(ii) in sub-section (2)—

for the words "register and books" there shall be substituted the words "register books and documents";

for the words "entry or entries" there shall be substituted the words "entry entries or documents"; and

for the word "plaint" there shall be substituted the word "process";

(e) In sub-section (1) of section 22 for the words "action or matter" there shall be substituted the words "criminal proceeding, appeal, action, or matter";

(f) In sub-section (1) of section 28 for the word "proceeding" (where first occurring) there shall be substituted the words "civil proceeding";

(g) After section 28 there shall be inserted the following section:—

"28A. Every registrar and assistant registrar of the court shall demand receive and take for the use of Her Majesty the several fees fixed by the rules to be paid in respect of proceedings in the criminal jurisdiction and the appellate jurisdiction of the court but except where otherwise expressly provided no such fee shall be demanded received or taken from any member of the police force acting in the execution of his duty or from any person acting for and by the authority of Her Majesty or of the Commission of Public Health or of any council of a city town borough or shire in the discharge of any right or duty imposed by any Act relating to the public health.";

(h) In

- (h) In section 33 for the word "case" there shall be substituted the words "civil case";
- (j) In the heading preceding section 35 for the words "LOCAL LIMITS OF JURISDICTION" there shall be substituted the words "SITTINGS OF THE COURT";
- (k) In sub-section (1) of section 48 for the words "any case" there shall be substituted the words "any civil case";
- (l) In sub-section (1) of section 54—
- (i) in paragraph (c) after the word "rules" there shall be inserted the words "in any criminal proceeding, appeal, action, or matter"; and
 - (ii) in paragraph (d) for the words "action or matter" there shall be substituted the words "criminal proceeding, appeal, action, or matter";
- (m) In the heading preceding section 56 for the word "ACTION" there shall be substituted the word "ACTIONS";
- (n) In the heading preceding section 65 after the word "TRIAL" there shall be inserted the words "OF ACTIONS OR MATTERS";
- (o) In sub-section (1) of section 73 after the word "made" there shall be inserted the words "in any action or matter";
- (p) In sub-section (1) of section 75 for the word "Act" there shall be substituted the word "Part";
- (q) In paragraph (e) in sub-section (1) of section 78 for the word "cases" (where first occurring) there shall be substituted the words "civil cases";
- (r) In sub-section (1) of section 80 for the words "action or matter" there shall be substituted the words "criminal proceeding, appeal, action, or matter"; and
- (s) In section 81 for the words "action or matter" (wherever occurring) there shall be substituted the words "criminal proceeding, appeal, action, or matter."

10. The Acts mentioned in the Schedule to the extent thereby expressed to be amended or repealed are hereby amended or repealed accordingly.

Schedule of consequential amendments.

11. The repeal of Part VII. of the *Justices Act* 1958 shall not affect or disturb the continuity of any pension that was payable to any person immediately prior to the commencement of this

Pensions of former chairmen not to be affected.

Act

Act in accordance with the provisions of the said Part or in any way prejudice or limit the rights of any person to a pension that would have been payable under that Part but for the said repeal and for the purpose of calculating paying or terminating any such pension the provisions of the said Part VII. shall be deemed to remain in force.

SCHEDULE.

No. 6202.

The *Auction Sales Act 1958* is hereby amended as follows :—

In section 43—

- (a) for the words "next practicable court of general sessions of the peace held in the same bailiwick which shall be held nearest to the place where such order was made" there shall be substituted the words "County Court";
- (b) for the words "said court of general sessions" there shall be substituted the words "County Court"; and
- (c) for the words "such court of general sessions" there shall be substituted the words "such County Court".

No. 6214.

The *Carriers and Innkeepers Act 1958* is hereby amended as follows :—

In section 25—

- (a) for the words "next practicable court of general sessions of the peace held in the same bailiwick nearest to the place where such conviction or order has been given or made" there shall be substituted the words "County Court";
- (b) for the words "said court of general sessions" there shall be substituted the words "County Court"; and
- (c) for the words "such court of general sessions" there shall be substituted the words "such County Court".

No. 6218.

The *Children's Court Act 1958* is hereby amended as follows :—

In section 49—

- (a) for the words "chairman of the court of general sessions" there shall be substituted the word "judge";
- (b) for the words "of the chairman" there shall be substituted the words "of the judge"; and
- (c) for the words commencing with the words "on the chairman's own view" and ending at the end of the section there shall be substituted the words "shall be punished by imprisonment not exceeding one month or by fine not exceeding \$100";

In section 50—

- (a) for the words "any court of general sessions" there shall be substituted the words "the County Court"; and
- (b) for the words "or chairman allow" there shall be substituted the words "or judge allow"; and

In section 51 for the words "chairman of general sessions" there shall be substituted the words "of the County Court".

No. 6219.

The *Children's Welfare Act 1958* is hereby amended as follows :—

In sub-section (1) of section 51A for the words "court of general sessions for the bailiwick, and the provisions of section 15 of the *Maintenance Act 1958*" there shall be substituted the words "County Court and the provisions of Part V. of the *Maintenance Act 1965*".

SCHEDULE—continued.

The *Coroners Act* 1958 is hereby amended as follows :—

No. 6227.

- (a) In sub-section (1) of section 13 for the words " Court of General Sessions of the Peace at which the trial is to be " there shall be substituted the words " or of the County Court in its criminal jurisdiction " ;
- (b) In sub-section (3) of section 15 for the words " Court of General Sessions of the Peace at which the trial is to be " there shall be substituted the words " or of the County Court in its criminal jurisdiction " ; and
- (c) In the Second Schedule for the words " Court of General Sessions of the Peace " there shall be substituted the words " or the County Court in its criminal jurisdiction " .

The *Crimes Act* 1958 is hereby amended as follows :—

No. 6231.

- (a) In sub-section (1) of section 83 the words " or chairman of general sessions " and the word " chairman " are repealed ;
- (b) In sub-section (2) of section 83—
 - (i) in paragraph (a)—
 - the words " or chairman of general sessions " are repealed ;
 - and the word " chairman " (wherever occurring) is repealed ; and
 - (ii) in paragraph (b)—
 - for the words " and any court of general sessions " there shall be substituted the words " the County Court " ;
 - for the words " and the clerk of the peace respectively " there shall be substituted the words " and the registrar of the County Court " ; and
 - for the words " to a court of general sessions " there shall be substituted the words " to the County Court " ;
- (c) Section 165 is repealed ;
- (d) Section 174 is repealed ;
- (e) In section 280 the word " chairman " is repealed ;
- (f) In section 350—
 - (i) for the words " next practicable court of general sessions of the peace held nearest to the place where such order or adjudication was given or made " there shall be substituted the words " County Court " ; and
 - (ii) for the words " such court of general sessions " there shall be substituted the words " such County Court " ;
- (g) In section 353 for the words " Court of General Sessions of the peace " there shall be substituted the words " County Court " ;
- (h) In section 359—
 - (i) for the words " a court of general sessions " there shall be substituted the words " the County Court " ;
 - (ii) for the words " the Court of General Sessions " there shall be substituted the words " the County Court " ;
 - (iii) for the words " a Court of General Sessions " (where twice occurring) there shall be substituted the words " the County Court " ;
 - (iv) the words " or chairman of general sessions " are repealed ;
 - (v) after the expression " sub-section (1) " (wherever occurring) there shall be inserted the expression " or sub-section (1A) " ;

SCHEDULE

SCHEDULE—continued.

- (vi) after sub-section (1) there shall be inserted the following sub-section :—
- “(1A) When in respect of an indictable offence any person has been committed or remanded to the County Court for trial or notice of trial in the County Court or of intention to prefer a presentment in the County Court has been given to any person as aforesaid and a change is sought to some other sitting of the County Court at another time or place a judge of the County Court may, in addition to and without in any way derogating from the powers of a judge of the Supreme Court under sub-section (1), on application as aforesaid order that the person be tried at the sitting of the County Court specified in the order and he shall be tried accordingly notwithstanding that the trial shall take place at a date earlier than otherwise it would take place.”; and
- (vii) in sub-section (4) after the words “Supreme Court” (where first occurring) there shall be inserted the words “or of the County Court”;
- (j) In section 360—
- (i) for the words “an order under sub-section (1)” there shall be substituted the words “an order under sub-section (1) or sub-section (1A)”;
- (ii) for the words “Court of General Sessions” there shall be substituted the words “County Court”; and
- (iii) for the words “a Court of General Sessions” (where thrice occurring) there shall be substituted the words “the County Court”;
- (k) In section 389 for the words “Court of General Sessions” there shall be substituted the words “County Court”;
- (l) In section 390—
- (i) in sub-section (1) the words “or chairman” (where twice occurring) are repealed; and
- (ii) in sub-section (2) for the words “Court of General Sessions” there shall be substituted the words “County Court”;
- (m) In section 411 the words “or chairman” are repealed;
- (n) In section 415—
- (i) for the words “a Court of General Sessions” (where twice occurring) there shall be substituted the words “the County Court”; and
- (ii) for the words “the chairman of such Court of General Sessions” there shall be substituted the words “County Court”;
- (o) In section 417 the words “or the chairman of General Sessions as the case may be” are repealed;
- (p) In section 439—
- (i) in sub-section (1)—
- for the words “a Court of General Sessions of the Peace” there shall be substituted the words “the County Court”;
- for the words “clerk of the peace” (where twice occurring) there shall be substituted the word “registrar”;
- (ii) in paragraph (b) of sub-section (2) for the words “clerk of the peace” (where thrice occurring) there shall be substituted the word “registrar”;

SCHEDULE—continued.

- (iii) in sub-section (4)—
 for the words " a Court of General Sessions of the Peace "
 (where twice occurring) there shall be substituted the
 words " the County Court " ; and
 for the words " clerk of the peace " there shall be substituted
 the word " registrar " ;
- (iv) in sub-section (7) for the expression " " clerk of the peace "
 includes " deputy clerk of the peace " there shall be substituted
 the expression " " registrar " includes " deputy registrar " ;
- (q) In section 445—
 (i) for the words " a chairman of any Court of General Sessions "
 there shall be substituted the words " the County Court " ; and
 (ii) for the words " Court of General Sessions " there shall be
 substituted the words " the County Court " ;
- (r) In section 446—
 (i) for the words " Court of General Sessions " there shall be
 substituted the words " the County Court " ; and
 (ii) the words " or chairman " are repealed ;
- (s) In section 447—
 (i) in sub-section (1)—
 the words " or chairman " are repealed ;
 for the words " or General Sessions " there shall be substituted
 the words " or the County Court " ; and
 for the words " clerk of the peace or the deputy of such
 clerk " there shall be substituted the word " registrar " ;
 (ii) in sub-section (2) for the words " clerk or deputy " there shall be
 substituted the word " registrar " ;
 (iii) in sub-section (3)—
 for the words " Court of General Sessions " there shall be
 substituted the words " the County Court " ; and
 for the words " General Sessions " there shall be substituted
 the words " the County Court " ;
- (t) In section 449 for the words " a chairman of General Sessions " there
 shall be substituted the words " the County Court " ;
- (u) In section 450 the words " or chairman " (where twice occurring) are
 repealed ;
- (v) In section 455 for the words " any Court of General Sessions " (where
 twice occurring) there shall be substituted the words " the County
 Court " ;
- (w) In section 479—
 (i) the expression " or chairman of general sessions (as the case
 may be) " (where first occurring) is repealed ;
 (ii) for the words " chairman of general sessions " (where second
 occurring) there shall be substituted the words " the County
 Court " ;
 (iii) the words " or chairman " and the expression " or chairman
 (as the case may be) " (wherever occurring) are repealed ;
 (iv) in paragraph (c) of sub-section (1) for the words " chairmen
 of general sessions " there shall be substituted the words
 " judges of the County Court " ;
 (v) in sub-section (4) for the words " Court of General Sessions "
 there shall be substituted the words " the County Court " ;

SCHEDULE—continued.

- (x) In section 504—
- (i) in sub-section (1)—
 - for the words “any court of general sessions” there shall be substituted the words “the County Court”;
 - the words “or chairman” are repealed;
 - for the words “any chairman of general sessions” there shall be substituted the words “the County Court”;
 - and
 - for the words “other chairman of general sessions” there shall be substituted the words “other judge of the County Court”;
 - (ii) in sub-section (2)—
 - the words “or chairman” are repealed; and
 - for the words “a court of general sessions” there shall be substituted the words “the County Court”;
 - (iii) in sub-section (3) the words “or chairman” and the expression “or chairman (as the case may be)” (wherever occurring) are repealed;
- (y) In sub-section (1) of section 508 for the words “any court of general sessions” there shall be substituted the words “the County Court”;
- (z) In section 510—
- (i) for the words “a court of general sessions” there shall be substituted the words “the County Court”;
 - (ii) for the words “any court of general sessions sitting” there shall be substituted the words “any sitting of the County Court in its criminal jurisdiction”; and
 - (iii) the word “chairman” is repealed;
- (aa) In section 516—
- (i) in sub-section (3)—
 - for the words “clerk of the peace” there shall be substituted the words “registrar of the County Court”; and
 - for the words “the court of general sessions” there shall be substituted the words “the County Court”; and
 - (ii) in sub-section (4)—
 - for the words “any court of general sessions” there shall be substituted the words “the County Court”; and
 - the words “or chairman thereof” are repealed;
- (ab) In section 517—
- (i) in sub-section (2)—
 - for the words “a court of general sessions” there shall be substituted the words “the County Court”; and
 - for the words “or court of general sessions” there shall be substituted the words “or the County Court”;
 - (ii) in sub-section (3) the words “or the appropriate clerk of the peace” are repealed;
 - (iii) in sub-section (5)—
 - for the words “a court of general sessions” there shall be substituted the words “the County Court”; and
 - for the words “or court of general sessions” there shall be substituted the words “or the County Court”;
 - (iv) in sub-section (6)—
 - for the words “a court of general sessions” there shall be substituted the words “the County Court”; and
 - for the words “the court of general sessions” there shall be substituted the words “the County Court”;

SCHEDULE—continued.

- (ac) In section 518—
- (i) for the words “any court of general sessions” there shall be substituted the words “the County Court”; and
 - (ii) the words “or chairman” are repealed;
- (ad) In section 534 for the words “any court of general sessions” there shall be substituted the words “the County Court”;
- (ae) In section 537—
- (i) for the words “any court of general sessions” there shall be substituted the words “the County Court”; and
 - (ii) for the words “a court of general sessions” there shall be substituted the words “the County Court”;
- (af) In sub-section (2) of section 537A—
- (i) for the words “any court of general sessions” there shall be substituted the words “the County Court”; and
 - (ii) for the words “appropriate court of general sessions” there shall be substituted the words “County Court”;
- (ag) In section 546 the words commencing with the words “or in the case” and ending at the end of the section are repealed;
- (ah) In the interpretation of “Sentence” in section 566 the words “or chairman” are repealed;
- (aj) In paragraph (b) in section 567 for the words “chairman of general sessions” there shall be substituted the words “the County Court”;
- (ak) In section 573 for the words “chairman of general sessions” there shall be substituted the words “the County Court”;
- (al) In section 581 the words “or chairman” are repealed;
- (am) In paragraph (2) in Rule 4 in the Sixth Schedule for the expression “(General Sessions)” there shall be substituted the expression “(County)”;
- (an) In the proviso to section 41 of the *Penal Reform Act 1956* reproduced in the Eleventh Schedule for the words “chairman of general sessions” there shall be substituted the words “the County Court”.

The *Evidence Act 1958* is hereby amended as follows:—

In section 12—

- (a) for the words “a court of general sessions” there shall be substituted the words “the County Court”; and
- (b) for the words “chairman of a court of general sessions” there shall be substituted the words “judge thereof”;

In section 152 for the words “courts of general sessions” (where twice occurring) there shall be substituted the words “the County Court”;

and

In the Second Schedule the words “Chairman of a court of general sessions of the peace” are repealed.

The *Friendly Societies Act 1958* is hereby amended as follows:—

No. 6255.

In section 40 for the words “a court of general sessions of the peace” there shall be substituted the words “the County Court”.

The *Game Act 1958* is hereby amended as follows:—

No. 6258.

In section 30 for the words “next general sessions held nearest to the place where such decision is given” there shall be substituted the words “County Court”.

The *Gaols Act 1958* is hereby amended as follows:—

No. 6259.

- (a) In sub-section (1) of section 18 for the words “any court of general sessions” there shall be substituted the words “the County Court”;
- (b) In section 27 the words “or by a chairman of general sessions” are repealed; and

SCHEDULE—continued.

(c) In the Second Schedule—

- (i) for the words “court of general sessions” there shall be substituted the words “County Court”; and
- (ii) for the words “Chairman of Court of General Sessions at” there shall be substituted the words “Judge of the County Court”.

No. 6269.

The *Hawkers and Pedlers Act 1958* is hereby amended as follows :—

In section 25—

- (a) for the words “next court of general sessions of the peace to be held in the district or nearest to the district in which such conviction shall take place” there shall be substituted the words “County Court”; and
- (b) for the words “courts of general sessions of the peace” there shall be substituted the words “the County Court”.

No. 6270.

The *Health Act 1958* is hereby amended as follows :—

In sub-section (1) of section 445—

- (a) for the words “next court of general sessions (or in the event of such conviction or order being made within six days before the next court of general sessions to the said next court or to the court next but one following at the option of the appellant)” there shall be substituted the words “County Court”; and
- (b) for the words “courts of general sessions” there shall be substituted the words “County Court”.

No. 7651.

The *Juries Act 1967* is hereby amended as follows :—

(a) In section 3—

(i) in the interpretation of “County Court town” the words “or sessions” are repealed;

(ii) for the interpretation of “Court” there shall be substituted the following interpretation :—

“Court” includes Supreme Court and County Court and also judge of either court.”; and

(iii) the interpretation of “Sessions town” is repealed;

(b) In sub-section (1) and sub-section (4) of section 7 the words “sessions town” are repealed;

(c) In sub-section (2) of section 9 the words “sessions town” are repealed;

(d) In section 38 the words “or chairman of general sessions” are repealed;

(e) In sub-section (1) of section 52 for the words “in the Supreme Court, in the county court and in the court of general sessions of the peace” there shall be substituted the words “in the Supreme Court and in the County Court”;

(f) In sub-section (2) of section 53 the words “or in the court of general sessions of the peace at Melbourne or in both of those courts” are repealed;

(g) In sub-section (1) of section 56 in paragraph (c) the expression “or chairman of general sessions (as the case may require)” is repealed;

(h) In sub-section (2) of section 57—

(i) the words “or chairman of general sessions” are repealed; and

(ii) the words “or chairman” (where thrice occurring) are repealed;

(j) Paragraph (f) in section 71 is repealed;

(k) In sub-section (1) of section 72 for the words “the clerk of the peace of any court of general sessions or his deputy or the registrar” there shall be substituted the words “a registrar deputy registrar or assistant registrar”;

(l) In the heading in Schedule 6 for the expression “Supreme Court, Sessions” there shall be substituted the words “Supreme Court”.

SCHEDULE—continued.

The *Justices Act 1958* is hereby amended as follows :—

No. 6282.

- (a) In the Long Title the words "General and" are repealed ;
- (b) In section 1 the expression "Part VII.—Courts of General Sessions ss. 185–198." is repealed ;
- (c) In sub-section (1) of section 4—
- (i) in paragraph (e) the words "general or" are repealed ; and
 - (ii) in paragraph (f) the words "clerks of the peace and" are repealed ;
- (d) In section 13 for the words "every chairman of general sessions" there shall be substituted the words "or of the County Court" ;
- (e) In paragraph (1) in section 27 for the expression "possession" there shall be substituted the word "possession" ;
- (f) In section 47 for the words "court of general sessions" there shall be substituted the words "County Court" ;
- (g) In sub-section (1) of section 48—
- (i) for the expression "or at the court of general sessions (having jurisdiction to try him on the said charge)" there shall be substituted the words "or the County Court" ; and
 - (ii) for the words "or some court of general sessions" there shall be substituted the words "or the County Court" ;
- (h) In section 49—
- (i) for the words "court of general sessions" (where thrice occurring) there shall be substituted the words "County Court" ; and
 - (ii) the words "in any bailiwick" are repealed ;
- (j) In section 50—
- (i) in sub-section (4) for the words "a clerk of the peace" there shall be substituted the words "a registrar of the County Court" ; and
 - (ii) in sub-section (5) for the words "at the next court of general sessions having jurisdiction to try him" there shall be substituted the words "of the County Court" ;
- (k) In section 51—
- (i) in sub-section (1) for the words "notice at least seven days before the first day of the sitting of the court at which he is to be tried" there shall be substituted the words "reasonable notice" ; and
 - (ii) in sub-section (2)—
 - for the words "clerk of the peace" there shall be substituted the words "registrar of the County Court" ; and
 - for the words "court of general sessions" (where twice occurring) there shall be substituted the words "County Court" ;
- (l) In sub-section (1) of section 52 for the words "court of general sessions" there shall be substituted the words "County Court" ;
- (m) In section 60—
- (i) in rule (1) for the words "a clerk of the peace" there shall be substituted the words "a registrar of the County Court" ; and
 - (ii) in rule (5) for the words "a clerk of the peace" there shall be substituted the words "a registrar of the County Court" ;
- (n) In section 62—
- (i) in rule (1) for the words "a clerk of the peace" there shall be substituted the words "a registrar of the County Court" ; and
 - (ii) in rule (2)—
 - for the words "a clerk of the peace" there shall be substituted the words "a registrar of the County Court" ; and
 - for the words "clerk of the peace" (wherever occurring) there shall be substituted the word "registrar" ;

SCHEDULE

SCHEDULE—continued.

- (o) In sub-paragraph (a) in rule 15 in section 91 for the words "the clerk of the peace for the bailiwick or his deputy at the nearest place appointed for holding a court of general sessions" there shall be substituted the words "a registrar of the County Court";
- (p) In section 141—
- (i) for the words "next practicable court of general sessions of the peace" there shall be substituted the words "County Court";
 - (ii) for the words "court of general sessions on the hearing" there shall be substituted the words "County Court on the hearing"; and
 - (iii) for the words "court of general sessions of the peace" (where last occurring) there shall be substituted the words "County Court";
- (q) In section 142—
- (i) in the words preceding paragraph (1) for the words "a court of general sessions" there shall be substituted the words "the County Court";
 - (ii) in paragraph (3) for the words "not less than two days before the day on which the next practicable court of general sessions shall be held" there shall be substituted the words "within fourteen days after giving notice of appeal";
 - (iii) in paragraph (4) for the words "clerk of the peace" there shall be substituted the word "registrar";
 - (iv) in paragraph (5) for the words "court of general sessions" there shall be substituted the words "County Court";
 - (v) in paragraph (7) and paragraph (7A) for the words "court of general sessions" (wherever occurring) there shall be substituted the words "County Court";
 - (vi) in paragraph (8)—
 - (a) for the expression "court of general sessions" (where twice occurring) there shall be substituted the words "County Court";
 - (b) for the words "the clerk of the peace" there shall be substituted the words "the registrar";
 - (vii) in paragraph (10)—
 - (i) for the words "any court of general sessions" there shall be substituted the words "the County Court"; and
 - (ii) for the words "such court of general sessions" there shall be substituted the words "the court";
 - (viii) in paragraph (11) for the words "any court of general sessions" there shall be substituted the words "the County Court";
 - (ix) in paragraph (12)—

for the words "any court of general sessions" there shall be substituted the words "the County Court";

for the words "clerk of the peace" there shall be substituted the word "registrar"; and

for the words "such clerk or his deputy" there shall be substituted the words "the registrar";
 - (x) in paragraph (13) the words "if it thinks fit at the sessions for which such notice was given" are repealed;
 - (xi) in paragraph (14)—

for the words "any court of general sessions" there shall be substituted the words "the County Court"; and

for the words "clerk of the peace" there shall be substituted the word "registrar"; and
 - (xii) in the words following paragraph (14) for the words "court of general sessions of the peace" there shall be substituted the words "County Court";

SCHEDULE—continued.

- (r) In section 143 for the words "court of general sessions" (where twice occurring) there shall be substituted the words "County Court";
- (s) Section 144 is repealed;
- (t) In section 145 for the words "court of general sessions" there shall be substituted the words "County Court";
- (u) In section 146—
- (i) for the words "a court of general sessions" there shall be substituted the words "the County Court"; and
 - (ii) for the words "the court of general sessions" there shall be substituted the words "the County Court";
- (v) In section 147—
- (i) for the words "court of general sessions before which such appeal is brought" there shall be substituted the words "County Court";
 - (ii) for the words "clerk of the peace" there shall be substituted the word "registrar";
- (w) In section 148 for the words "any court of general sessions" there shall be substituted the words "the County Court";
- (x) In section 149 for the words "court of general sessions of the peace" there shall be substituted the words "County Court";
- (y) In section 150—
- (i) for the words "any court of general sessions of the peace" there shall be substituted the words "the County Court"; and
 - (ii) for the words "court of general sessions upon an appeal" there shall be substituted the words "County Court upon an appeal";
- (z) In section 151—
- (i) for the words "clerk of the peace" there shall be substituted the words "registrar of the County Court"; and
 - (ii) for the words "court of general sessions" there shall be substituted the words "County Court";
- (aa) In section 152—
- (i) in sub-section (1) for the words "court of general sessions" (where twice occurring) there shall be substituted the words "County Court";
 - (ii) in sub-section (3)—
 - for the words "chairman of general sessions" there shall be substituted the words "judge of the County Court"; and
 - for the words "such chairman" there shall be substituted the words "such judge"; and
 - (iii) in sub-section (4) for the word "chairman" there shall be substituted the word "judge";
- (ab) In section 153—
- (i) for the words "a court of general sessions" there shall be substituted the words "the County Court"; and
 - (ii) for the words "such court of general sessions" there shall be substituted the words "the County Court";
- (ac) In section 154 for the words "any court of general sessions of the peace" there shall be substituted the words "the County Court";
- (ad) In section 164 for the words "courts of general sessions" (where twice occurring) there shall be substituted the words "County Court";
- (ae) In section 172 for the words "a court of general sessions of the peace" there shall be substituted the words "the County Court";
- (af) In section 179 the words "or clerk of the peace or other officer of a court of general sessions" are repealed;

SCHEDULE—*continued.*

- (ag) In section 180 the words "or officer" are repealed;
- (ah) In section 182 the words "or officer" are repealed;
- (aj) Part VII. is repealed;
- (ak) In section 203 the words "or clerk of the peace or deputy clerk of the peace" are repealed;
- (al) In sub-section (1) of section 213 the words "a court of general sessions or" are repealed;
- (am) In sub-section (1) of section 214 the words "any court of general sessions or" are repealed;
- (an) In section 220—
- (i) the words "or chairman" are repealed; and
 - (ii) the words "or tried or is for trial" are repealed;
- (ao) In the Second Schedule—
- (i) in Form 7—
for the words "CLERK OF THE PEACE" there shall be substituted the word "REGISTRAR"; and
for the words "the clerk of the peace at the general sessions of the peace" there shall be substituted the words "registrar of the County Court";
 - (ii) in Form 20—
for the words "Court of General Sessions of the Peace" there shall be substituted the words "County Court";
for the words "Court of General Sessions" there shall be substituted the words "County Court"; and
for the words "said Clerk of the Peace for" there shall be substituted the words "registrar of the County Court";
 - (iii) in Form 27 for the words "Court of General Sessions of the Peace" (where twice occurring) there shall be substituted the words "County Court";
 - (iv) in Form 36 for the words "a Court of General Sessions of the Peace" there shall be substituted the words "the County Court";
 - (v) in Form 37 for the words "clerk of the peace at the General Sessions of the Peace" there shall be substituted the words "registrar of the County Court";
 - (vi) in Form 40—
for the words "some Court of General Sessions of the Peace hereafter to be fixed" there shall be substituted the words "of the County Court"; and
for the words "Court of General Sessions" there shall be substituted the words "County Court";
 - (vii) in Form 41—
for the words "some Court of General Sessions of the Peace hereafter to be fixed" there shall be substituted the words "County Court"; and
for the words "Court of General Sessions" there shall be substituted the words "County Court";
 - (viii) in Form 42 for the words "some Court of General Sessions of the peace to be fixed" there shall be substituted the words "of the County Court";
 - (ix) in Form 44—
for the words "Court of General Sessions of the Peace" there shall be substituted the words "County Court"; and
for the expression "a Court of General Sessions of the Peace (whether to be holden in the same bailiwick or not)" there shall be substituted the words "the County Court";

SCHEDULE—*continued.*

(x) in Form 45—

for the words " Court of General Sessions of the Peace " there shall be substituted the words " the County Court " ; and

for the expression " a Court of General Sessions of the Peace (whether to be holden in the same bailiwick or not) " there shall be substituted the words " the County Court " ;

(xi) in Form 47A—

for the words " Court of General Sessions of the Peace " (where twice occurring) there shall be substituted the words " the County Court " ; and

for the words " Clerk of the Peace " there shall be substituted the word " Registrar " ;

(xii) in Form 47B—

for the words " Court of General Sessions of the Peace " (where twice occurring) there shall be substituted the words " the County Court " ; and

for the words " Clerk of the Peace " (where occurring in the Form and in the Note) there shall be substituted the word " Registrar " ;

(xiii) in Form 47C—

for the words " next Court of General Sessions of the peace " there shall be substituted the words " County Court " ;

for the words " Court of General Sessions " (where twice occurring) there shall be substituted the words " County Court " ; and

for the words " Clerk of the Peace " there shall be substituted the word " Registrar " ;

(xiv) in Form 53 for the words " Court of General Sessions of the peace " there shall be substituted the words " County Court " ;

(xv) in Form 74—

in the heading for the words " COURT OF GENERAL SESSIONS " there shall be substituted the words " COUNTY COURT " ; and

for the words " general sessions of the peace to be held at in and for the Bailiwick " there shall be substituted the words " County Court at " ;

(xvi) in Form 74A for the words " Court of General Sessions of the Peace " there shall be substituted the words " county court " ;

(xvii) in Form 75—

in the heading for the words " CLERK OF THE PEACE " there shall be substituted the word " REGISTRAR " ;

for the words " clerk of the peace " (where thrice occurring) there shall be substituted the word " registrar " ;

for the words " a Court of General Sessions of the peace for the Bailiwick " there shall be substituted the words " the County Court " ; and

for the words " Court of General Sessions thereupon " shall be substituted the words " County Court thereupon " ;

(xviii) in Form 80 for the words " Court of General Sessions of the Peace " (where twice occurring) there shall be substituted the words " County Court " ;

(xix) in Form 81 for the words " Court of General Sessions of the Peace " (where twice occurring) there shall be substituted the words " County Court " ; and

(ap) The Fourth Schedule is repealed.

SCHEDULE—continued.

- No. 6284. The *Land Act 1958* is hereby amended as follows :—
 In section 203 for the words “ next practicable court of general sessions of the peace having jurisdiction in the district where such conviction has been made ” there shall be substituted the words “ County Court ”.
- No. 7289. The *Maintenance Act 1965* is hereby amended as follows :—
 In section 107—
 (a) in sub-section (1)—
 (i) for the words “ court of general sessions ” (where twice occurring) there shall be substituted the words “ County Court ” ; and
 (ii) the words “ for the bailiwick ” are repealed ; and
 (b) in sub-sections (2), (3) and (4) for the words “ court of general sessions ” there shall be substituted the words “ County Court ”.
- No. 6303. The *Marine Stores and Old Metals Act 1958* is hereby amended as follows :—
 In section 50 for the words “ general sessions ” (where twice occurring) there shall be substituted the words “ the County Court ”.
- No. 6305. The *Markets Act 1958* is hereby amended as follows :—
 In section 42 for the words “ court of general sessions of the peace ” there shall be substituted the words “ County Court ”.
- No. 6308. The *Master and Apprentice Act 1958* is hereby amended as follows :—
 In section 20 for the words “ court of general sessions of the peace ” there shall be substituted the words “ County Court ”.
- No. 6320. The *Mines Act 1958* is hereby amended as follows :—
 (a) in section 288 for the words “ next court of general sessions which shall be held nearest to the place where such conviction or order has been given or made ” there shall be substituted the words “ County Court ” ; and
 (b) in section 289 for the words “ court of general sessions ” there shall be substituted the words “ County Court ”.
- No. 6325. The *Motor Car Act 1958* is hereby amended as follows :—
 In section 26 for the words “ a court of general sessions of the peace ” there shall be substituted the words “ the County Court ”.
- No. 6332. The *Pawnbrokers Act 1958* is hereby amended as follows :—
 In section 16 for the words “ next court of general sessions ” there shall be substituted the words “ County Court ”.
- No. 6651. The *Social Welfare Act 1960* is hereby amended as follows :—
 (i) In paragraph (a) in sub-section (2) of section 27 for the words “ a chairman of general sessions ” there shall be substituted the words “ a judge of the County Court ” ;
 (ii) In section 28 for the words “ chairman of general sessions ” (wherever occurring) there shall be substituted the word “ judge ” ; and
 (iii) In section 29 for the words “ chairman of general sessions ” there shall be substituted the words “ judge of the County Court ”.
- No. 6382. The *Stock Diseases Act 1958* is hereby amended as follows :—
 In section 25 for the words “ Any court of general sessions ” there shall be substituted the words “ The County Court ”.
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