

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 41.

Local Courts.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Justice at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Justice;

“the Department”—should be read as references to the Department of Justice.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 41.

Local Courts Act.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 41.

Local Courts Act.

Being an Act to provide for Local Courts, their jurisdiction, practice and procedure, and for related purposes.

PART I.—PRELIMINARY.

1. Interpretation.

In this Act, unless the contrary intention appears—

- “Associate” means a person appointed under Section 8;
- “Clerk” means a Clerk of a Local Court appointed under this Act and, in relation to a Local Court, means the Clerk of that Court;
- “complainant” means a person making a complaint under this Act;
- “complaint” means a complaint made under this Act, whether in a civil or a criminal matter;
- “Deputy Magistrate” means a Deputy Magistrate of the Local Court appointed under this Act;
- “land” includes a reef or bank and a house or other structure built on or over water;
- “Local Court” means a Local Court established under this Act;
- “Magistrate” means a Magistrate Grade II. or a Magistrate Grade I. or a Magistrate or Deputy Magistrate appointed under this Act;
- “Magistrate Grade II” means a Magistrate Grade II. appointed under the *Magisterial Service Act*;
- “Magistrate Grade I” means a Magistrate Grade I. appointed under the *Magisterial Service Act*;
- “party” includes a complainant and a defendant;
- “proceedings” includes both civil and criminal proceedings;
- “this Act” includes the regulations
- “Traffic Infringement Summon” means a Traffic Infringement Summons issued under Section 34A of the *Motor Traffic Act*. (*Added by No. 3 of 1981, s. 1.*)

PART II.—ESTABLISHMENT OF LOCAL COURTS.

2. Establishment of Local Courts.

The Judicial and Legal Services Commission may, by notice in the National Gazette, establish a Local Court in and for an area specified in the notice.

3. Exercise of Courts' jurisdiction.

Subject to this Act, the jurisdiction of a Local Court may be exercised by one or more Magistrates.

4. Certain Magistrates to be Magistrate of each Court.

Every Magistrate Grade II. and every Magistrate Grade I. is a Magistrate of each Local Court.

5. Deputy Magistrates.

(1) Where, in the opinion of the Chief Magistrate it is in the interests of the effective and speedy administration of justice to do so, he may, by notice in the National Gazette, appoint a person to be a Deputy Magistrate.

(2) A Deputy Magistrate has and may exercise all the powers, functions, duties and responsibilities of a Local Court Magistrate conferred by this or any other law in force in the country.

(3) A person appointed under Subsection (1) is a Deputy Magistrate of each Local Court.

(4) A Deputy Magistrate—

(a) shall comply with the directions of the Chief Magistrate in the exercise and performance of powers, functions, duties and responsibilities; and

(b) is not a member of the Magisterial Service.

6. Assistant Magistrate.

(1) The Judicial and Legal Services Commission may, by notice in the National Gazette, appoint a person to be an Assistant Magistrate of a Local Court.

(2) On the hearing of a matter before a Local Court, an Assistant Magistrate may sit with the Court, but, except as provided by this Act, shall not take part in the proceedings and shall not take part in the decision.

(3) An Assistant Magistrate has and shall exercise and perform such powers, functions and duties (other than judicial powers, functions and duties) as are prescribed.

7. Clerks of Court.

(1) Subject to the *Public Service Act*, there may be a Clerk of each Local Court.

(2) Subject to this Act, where no person is appointed to be the Clerk of a Local Court, the duties of the Clerk may be performed by a Magistrate.

8. Associates.

(1) The Judicial and Legal Services Commission may, by notice in the National Gazette, appoint a person to be an Associate to a Local Court.

(2) An Associate shall have and perform such functions and duties (other than judicial functions and duties) as are prescribed or as are directed by the Court.

9. Sessions of Local Courts.

A Local Court shall sit at such times and places within the area in and for which the Court was established as are necessary for the convenient and speedy despatch of the business of the Court.

10. Seal, etc.

(1) Each Local Court shall have a seal of the Court for the sealing of all judgements and other documents issued out of the Court and requiring to be sealed.

(2) The Local Court shall also, for the purpose of authentication have a stamp with which documents requiring authentication may be stamped.

11. Judicial notice.

All Courts and persons acting judicially shall take judicial notice of—

- (a) the official signature of a person who holds or has held an office of Magistrate; and
- (b) the fact that that person holds or has held that office; and
- (c) the seal and stamp referred to in Section 10,

if the signature, seal or stamp purports to be attached or appended to a judgement or other document issued out of a Local Court.

PART III.—JURISDICTION.**Division 1.—General.****12. Jurisdiction generally.**

(1) Subject to this Act, a Local Court has jurisdiction over—

- (a) all offences against a law in force in the country that may be dealt with summarily; and
- (b) all civil actions at law or in equity; and
- (c) all matters arising out of and regulated by custom, other than such matters as are within the exclusive jurisdiction of the Land Titles Commission; and
- (d) contraventions of or failures to comply with a rule made by a Local Government Council having jurisdiction in the area or part of the area in and for which the Court is established; and
- (e) any other matter over which the Court has jurisdiction under any other law in force in the country.

(2) For the purpose of conferring jurisdiction under Subsection (1)(a), a reference in a law in force in the country to a District Court, a court of summary jurisdiction, or to the powers of one or more justices shall be deemed to include a reference to a Local Court or a Magistrate, as the case requires.

13. Limitations on jurisdiction.

(1) A Local Court has no jurisdiction over—

- (a) proceedings involving the validity of a marriage other than a customary marriage, or
- (b) proceedings referred to in Section 14 in which a party elects to be dealt with by a District Court; or
- (c) proceedings for divorce or judicial separation under the Matrimonial Causes Act; or
- (d) subject to Part V., complaints which are between the same parties and are before or have been decided by any other Local Court, a District Court or the National Court.

(2) Subject to the provisions of Part V., a Local Court has no jurisdiction in respect of a civil cause or matter, unless—

- (a) the defendant was resident within the area in and for which the Court was established or within 33 km of its boundary at the time when the proceeding were instituted; or

(b) the cause of action arose within the area in and for which the Court was established or within 33 km of its boundary.

(3) Subject to Part V., a Local Court has no jurisdiction to try a person for an offence unless the offence was committed within the area in and for which the Court was established or within 33 km of its boundary.

14. Exercise of concurrent jurisdiction of Local Courts and other courts.

Subject to Part V., if jurisdiction in respect of a matter, whether civil or criminal, is vested in a Local Court and also in some other court, proceedings in respect of that matter may be commenced in and heard and determined by the Local Court where that court certifies that it is expedient that the matter should be so heard and determined.

Division 2.—Civil Jurisdiction.

15. Awards in civil cases.

(1) Subject to this Act, a Local Court, in civil cases, may—

- (a) award damages or compensation; or
- (b) order the restitution of property; or
- (c) order the specific performance of a contract, other than a contract of service; or
- (d) make any other order which the justice of the particular case requires.

(2) Damages or compensation awarded by a Local Court under this section may be ordered to be paid at such time or times or by such instalments or in kind or otherwise as the Court thinks proper.

(3) The amount or value of damages or compensation which a Local Court may award under this Act or the subject matter of a complaint shall not exceed K1 000.00.

(Amended by No. 41 of 1980.)

(4) A complainant shall not divide a cause of action for the purpose of making two or more complaints, but a complainant, having a cause of action for more than the amount in respect of which a Local Court has jurisdiction, may—

- (a) abandon the excess either in the complaint or by notification to the Court; and
- (b) recover to an amount not exceeding the amount which the Court has jurisdiction to award.

(5) The order of a Local Court on a complaint referred to in Subsection (4) is for all purposes conclusive evidence of abandonment of the excess and is in full discharge of all demands in respect of the cause of action, and entry of the order of the Court shall be made accordingly.

16. Dissolution of customary marriage.

(1) A Local Court shall, on application by a person married by custom, and on being satisfied that that marriage has been dissolved in accordance with custom, grant to him a certificate that that marriage has been so dissolved.

(2) Subject to Part VI., a certificate under Subsection (1) is conclusive evidence that the marriage has been dissolved.

17. Deserted wives and children.

(1) The jurisdiction conferred by the *Deserted Wives and Children Act* or by Part IX. of the *Child Welfare Act* may be exercised by a Local Court in the case of a customary marriage

or of an ex-nuptial native¹ child.

(2) The jurisdiction conferred by Subsection (1) is in addition to and not in substitution for or derogation of the jurisdiction conferred by the *Deserted Wives and Children Act* and the *Child Welfare Act*.

Division 3.—Criminal Jurisdiction.

18. Orders in criminal cases.

(1) Subject to this Act, a Local Court, in criminal cases, may order—

- (a) the imposition of a fine not exceeding K100.00; or
- (b) the infliction of a term of imprisonment not exceeding six months,

and may make such additional order (including an order for compensation to an amount not exceeding K200.00) as the justice of the case requires, but any such order shall be reasonable having regard to the nature and circumstances of the case.

(2) A Local Court may order that a fine which it imposes shall be paid at such time or times or by such instalments or in kind or otherwise as it thinks proper.

(3) Subject to Subsection (4), where a Local Court makes an order for the payment of a fine, it may also direct by its sentence that in default of payment of the fine the offender shall suffer such period of imprisonment as will satisfy the justice of the case, not exceeding the maximum sentence (if any) which the Court could have imposed in the first instance.

(4) Imprisonment imposed under Subsection (3) shall not exceed the maximum fixed by the following scale :—

<i>Amount of fine.</i>	<i>Maximum period.</i>
Not exceeding K4.00	2 weeks
Exceeding K4.00 but not exceeding K10.00	1 month
Exceeding K10.00 but not exceeding K30.00	2 months
Exceeding K30.00 but not exceeding K50.00	3 months
Exceeding K50.00 but not exceeding K70.00	4 months
Exceeding K70.00 but not exceeding K90.00	5 months
Exceeding K90.00	6 months.

(5) Imprisonment imposed in default of payments of a fine terminates when the fine is paid or levied by due process of law and is reduced in proportion to any amount of the fine so paid or levied.

(6) Where a person has commenced to serve a period of imprisonment in default of payment of a fine and the fine is subsequently paid or levied by due process of law, the amount of the fine shall be deemed to have been reduced in proportion to the amount of imprisonment served.

¹See, pre-Independence Ordinances Interpretation Act 1949-1973, Section 6(1) and Interpretation Act, Section 98.

(7) Compensation awarded by a Local Court under this section may be ordered to be paid at such time or times or by such instalments or in kind or otherwise as the Court thinks proper.

(8) When a Local Court orders compensation to be paid under this section to a person injured or aggrieved by the act or omission in respect of which the compensation has been imposed, that person, if he accepts that compensation, shall not have or maintain in any court in the country except, in special circumstances by leave of that court, a suit for the recovery of damage for the loss or injury sustained by him by reason of the act or omission.

18A. Application of Section 18 to Traffic Infringement Summons.

Section 18 does not apply to a case commenced by a Traffic Infringement Summons but in such a case the penalties are limited to those prescribed under the *Motor Traffic Act*.
(Added by No. 3 of 1981, s. 2.)

19. Mitigation of penalty, etc., by Court.

(1) Where either imprisonment or a fine may be imposed by a Local Court under any law in force in the country and there is prescribed by that law a requirement for the defendant to enter into his recognizance and to find securities for keeping the peace, or being of good behaviour and observing some other conditions, or to do any of those things, the Court may dispense with any such requirement wholly or in part.

(2) Subject to Subsection (3), where a Local Court may, under any law in force in the country impose imprisonment for an offence, but has no power to impose a fine, it may, if it considers that the justice of the case would be better met by a fine than by imprisonment, impose a fine not exceeding K100.00 but not being such an amount as would, under Section 18, subject the offender in default of payment of the fine, to a term of imprisonment longer than that to which he is liable under that law.

(3) Subsection (2) shall not apply in the case of an offence for which a minimum sentence of imprisonment is prescribed.
(Amended by No. 35 of 1983.)

20. Trivial offences.

A Local Court is not bound to convict if the offence complained of is, in the opinion of the Court, of so trivial a nature as not to merit punishment.

21. Offences more than three months old.

A Local Court has no jurisdiction over an offence which took place more than three months before the complaint was made, unless it is of the opinion that the complainant had no reasonable opportunity to make the complaint within that period.

PART IV.—PRACTICE, PROCEDURE, ETC.

Division 1.—General.

22. Commencement of proceedings.

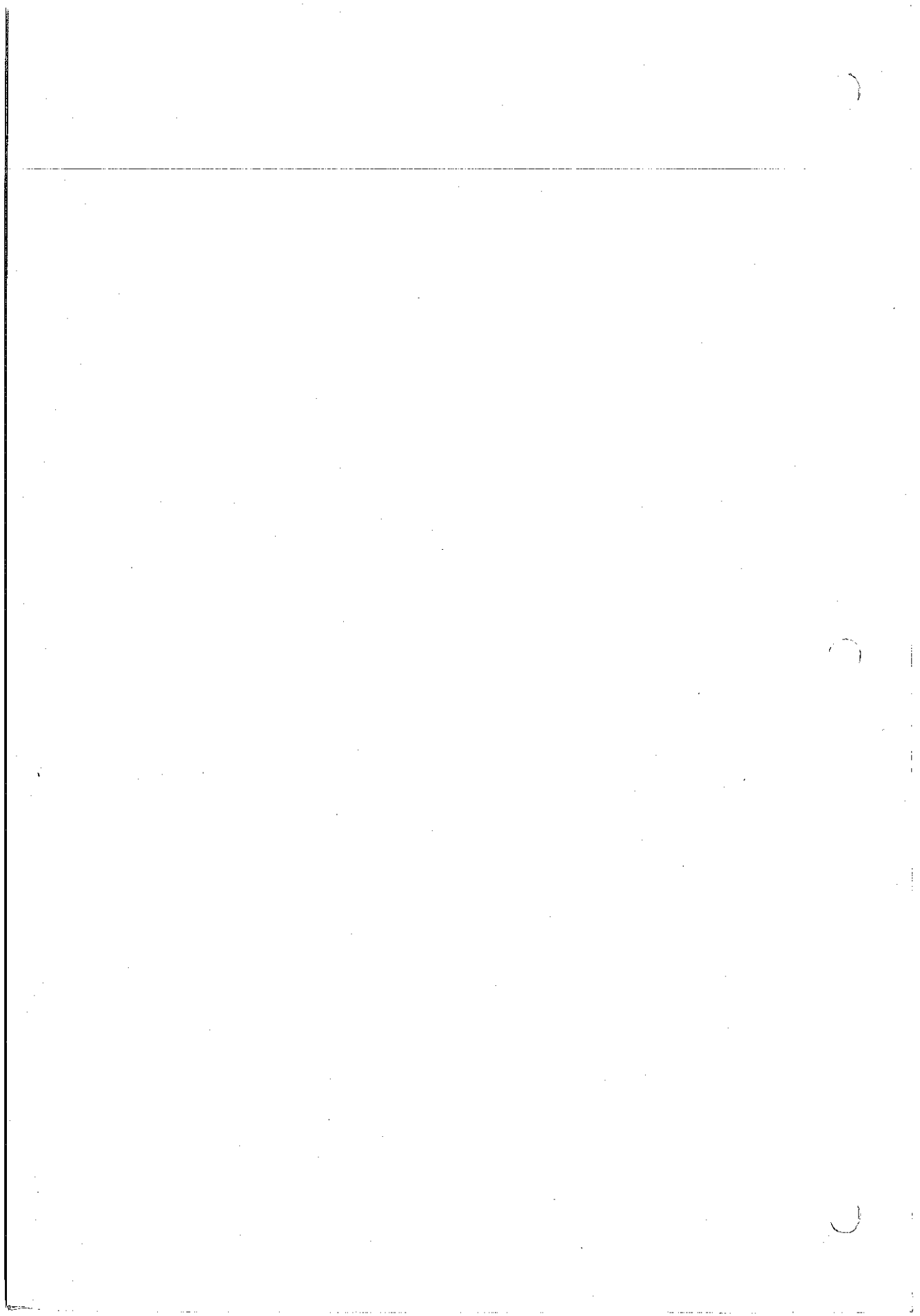
(1) Subject to this Act, all matters in a Local Court shall be commenced by a complaint which may be made orally or in writing, but if made orally shall be reduced to writing by or on behalf of the complainant before the hearing commences.

(2) For the purposes of Subsection (1), a Traffic Infringement Summons is deemed to be a complaint in writing.
(Replaced by No. 3 of 1981, s. 3.)

23. Proceedings before hearing.

(1) Subject to Subsection (1A) where a complaint is made to a Local Court, the Court shall satisfy itself that—

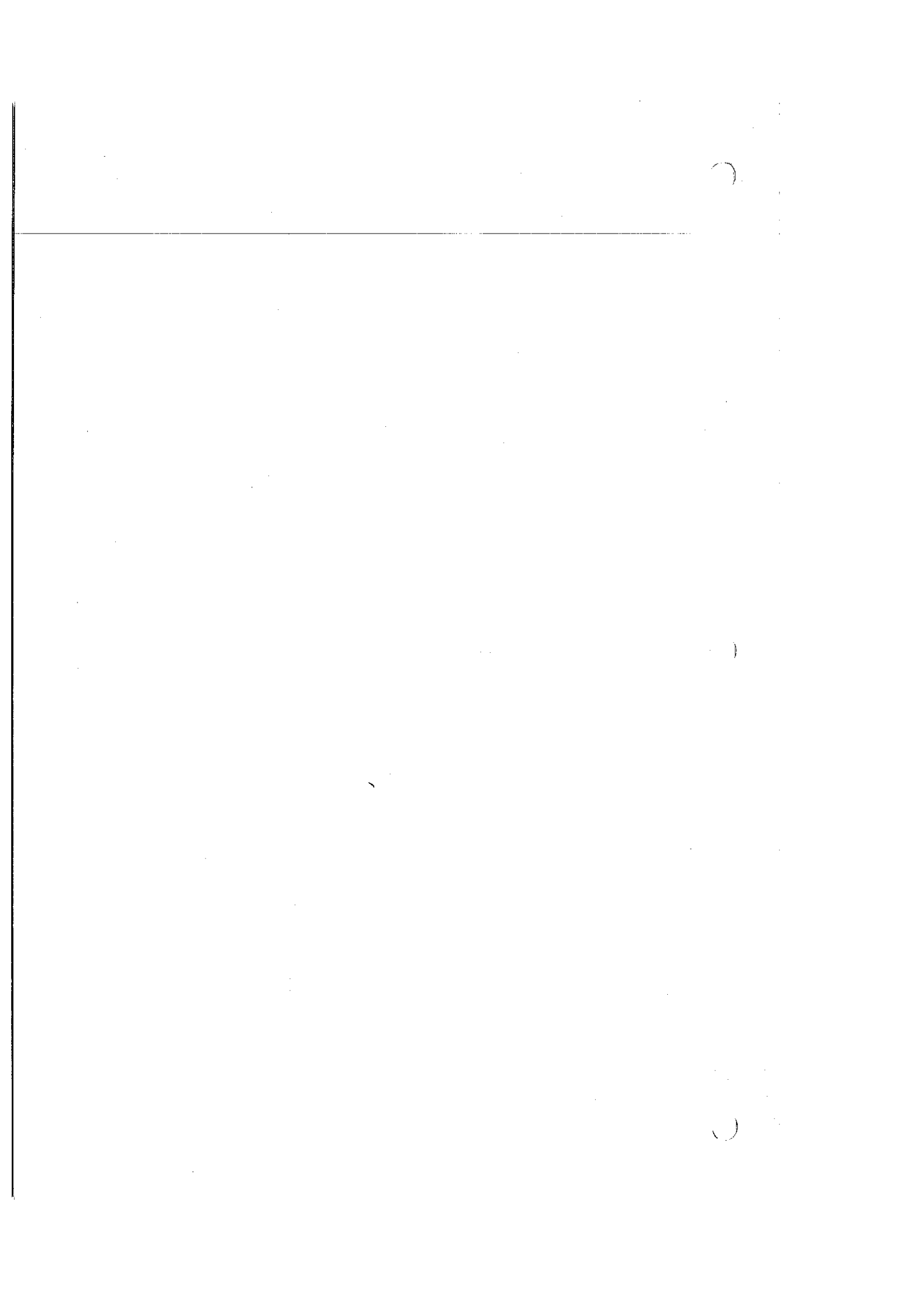
- (a) it apparently has jurisdiction in the matter; and
- (b) if jurisdiction is apparently vested in it and also in some other court, it is expedient that the matter should be heard and determined by that Local Court; and



23. Proceedings before hearing.

(1) Subject to Subsection (1A) where a complaint is made to a Local Court, the Court shall satisfy itself that—

- (a) it apparently has jurisdiction in the matter; and
- (b) if jurisdiction is apparently vested in it and also in some other court, it is expedient that the matter should be heard and determined by that Local Court; and



(c) the complaint is not of a trivial or vexatious nature, and, if so satisfied, may summon the defendant by informing him or causing him to be informed, orally or in writing, of the nature of the complaint and of the time and place fixed for the hearing.

(1A) A Traffic Infringement Summons is deemed to be a written summons under Subsection (1).

(2) The hearing of a complaint may from time to time be adjourned to another time or place, on such condition as the Local Court thinks proper.

(3) A Magistrate may, if he considers it necessary, issue a warrant to a person for the arrest of a defendant, stating the nature of the complaint.

(4) A Magistrate may admit a defendant to bail on such terms and conditions as he thinks proper.

(5) When a person is convicted by a Local Court of an offence, a Magistrate may issue a warrant of commitment for the purpose of enforcing the conviction.

(Amended by No. 3 of 1981, s. 4.)

24. Legal representation.

(1) A complainant or a defendant may be represented for the purpose of a proceeding by—

(a) a lawyer; or

(b) a person admitted as a trainee to the Legal Training Institute who is certified by the Director of the Institute to represent a party to the proceeding; or

(c) Subject to Subsection (2), a candidate for the degree of Bachelor of Laws at the University of Papua New Guinea who is certified by the Dean of the Faculty of Law, after consultation with a Magistrate nominated by the Magistrates Association, to act as a legal representative; or

(d) any other person authorized by law; or

(e) any other person by leave of the Local Court.

(2) Where—

(a) a person is a legal representative in a proceeding before a Local Court by virtue of Subsection (1)(c); and

(b) the Court is satisfied, having regard to the conduct of that person, that representation by him in the proceeding is detrimental to the interests of the party represented,

the Court may make an order prohibiting that person from representing the party for the purpose of that proceeding.

(3) When an order is made under Subsection (2) the Local Court shall give its reasons for the making of the order.

25. Power to summon witnesses.

(1) A Local Court may summon before it for the purpose of giving evidence or producing documents any person, whether within or outside the area in and for which the Court is established.

(2) A summons issued under Subsection (1) shall be served, and proof of service given, in such manner and subject to such conditions as are prescribed.

(3) A summons under this section may be oral or in writing, and in the case of an oral summons may be served by being communicated to the person concerned by the Local Court or by a person authorized for the purpose by the Court.

26. Acts done on Sundays.

An act, matter or thing done or suffered by or under the authority of a Local Court shall not be deemed to have been invalidly or unlawfully done or suffered merely by reason of the fact that it was so done or suffered on a Sunday.

27. Want of form or variance in information, etc.

An objection shall not be taken or allowed to a complaint or to a summons or warrant issued on a complaint for an alleged defect in it, whether of substance or of form, or for a variance between it and the evidence in support, and any such variance may be amended by order of the Local Court at the hearing.

28. Amendment.

If a variance referred to in Section 27 appears to the Local Court hearing the matter to be such that the defendant has been deceived or misled or prejudiced in his defence, the Court may, and at the request of the defendant shall, on such terms as it thinks proper, adjourn the hearing of the case to some future day, and in the meantime may commit the defendant or discharge him on his entering into a recognizance with or without sureties, to appear before the Court at a day, time and place to which the hearing is adjourned.

29. Decision where more Magistrates than one present.

(1) When more Magistrates than one hear a matter, the decision of the Local Court shall be the decision of the majority of the Magistrates present.

(2) Where the Magistrates present are evenly divided in opinion on a matter the matter shall be reheard before another Magistrate or other Magistrates at a time to be appointed by the Local Court.

30. Matters not covered by this Act.

Subject to this Act, in respect of any matter not provided for by this Act a Local Court may make such order as seems to it convenient and as does substantial justice.

Division 2.—Civil Matters.

31. Mediation in civil matters.

(1) A Magistrate, an Assistant Magistrate, an Associate approved by the Judicial and Legal Services Commission for the purpose, or a person appointed by the Local Court, may mediate between the parties in a civil matter at any stage of or before the hearing with a view to the just and amicable settlement of the matter.

(2) A Local Court may postpone or adjourn the hearing of a complaint in a civil matter if it considers that by so doing a just and amicable settlement will be or may be come to by the parties to the case.

(3) Where a settlement has been come to under this section, the Local Court may embody it in its decision without further hearing.

32. Hearing when mediation fails.

(1) Where a Magistrate has acted as mediator under Section 31(1) but the attempt at mediation has failed, the Magistrate shall not, except at the request of the parties to the proceedings, hear or continue to hear the proceedings or determine the proceedings, and, in the absence of such a request, arrangements shall be made for the proceedings to be dealt with by another Magistrate.

(2) When an Assistant Magistrate has acted as mediator under Section 31(1) but the attempt at mediation has failed, the Assistant Magistrate shall not, except with the consent of the parties, take part, or take further part, in the proceedings or sit with the Local Court.

33. Statements, etc., made in course of mediation.

Evidence of anything said or of an admission made in the course of an attempt at mediation under Section 31 is not admissible in any court in the country or in proceedings before any person authorized by a law in force in the country, or by consent of parties, to hear receive and examine evidence.

34. Practice and procedure in civil cases.

The following procedure shall be observed by Local Courts in all civil cases :—

- (a) the action shall be heard in open court; and
- (b) no action shall be heard unless both the complainant and the defendant are present, except where the Court considers that in the interests of justice it should be heard in the absence of a defendant who has been summoned under Section 23(1) to attend, and fails so to attend; and
- (c) the complaint shall be read out and explained to the defendant in a language which, in the opinion of the Court, he understands, and the Court, in the case of a proceeding referred to in Section 14, shall explain to him that he is entitled to have the matter dealt with by a District Court and is not obliged to make any defence before the Local Court, and shall ask him whether he elects to be heard before a District Court; and
- (d) if the defendant does not admit the complaint, the Court shall first hear the evidence of the complainant followed by his witnesses and may then proceed to hear the evidence of the defendant followed by his witnesses; and
- (e) after each party to the action has given evidence, the opposite party is entitled to cross-examine him and his witnesses; and
- (f) a Magistrate, or an Assistant Magistrate through a Magistrate may ask a question at any stage of the proceedings and the Court may recall and question a party or a witness at any stage; and
- (g) after hearing all the evidence, the Court shall consider its verdict, which shall be pronounced in open court.

35. Enforcement of unsatisfied judgement or order for money.

(1) Where a judgement or order of a Local Court for the payment of money in a civil case has been made in favour of a person, the Clerk shall, on the application of that person, issue to him a certificate of the judgement or order in the prescribed form.

(2) A person to whom a certificate under Subsection (1) has been issued may file the certificate in a District Court having jurisdiction in the area in and for which the Local Court was established or in which the person, against whom the judgement or order was made, resides.

(3) On the filing of a certificate under this section in a District Court execution may be issued out of the District Court in the same manner as on a judgement or order of that Court for the sum specified in the certificate, together with any costs and expenses of the filing and execution.

(4) After the issuing of a certificate under this section, no further proceeding shall be taken in the Local Court in respect of the judgement or order the subject of the certificate.

(5) Where a certificate is filed under this section in a District Court, the *District Courts Act*, with the necessary modifications, applies in all respects as though the judgement or order, the subject of the certificate, were a judgement or order of that District Court.

36. Enforcing decisions in other civil cases.

(1) Except in a case to which Section 35 applies, a District Court may, where in its opinion it is necessary in the interests of justice to do so, punish a person who disobeys a decision of a Local Court in a civil case by a fine not exceeding K50.00 or, in default of payment, by imprisonment for a period not exceeding three months, or by imprisonment in the first instance for a period not exceeding three months, or both.

(2) Unless a District Court that punishes a person under Subsection (1) otherwise orders, no punishment imposed under that subsection releases the person punished from the duty to obey the order of a Local Court.

(3) Imprisonment imposed on a person under Subsection (1) terminates when the person obeys the decision of the Local Court.

37. Enforcing decisions by other Local Courts.

If a decision or order in a civil case has been given or made by a Local Court, that decision or order may, if necessary, be enforced by any other Local Court as if it were a decision of that last-mentioned Court.

Division 3—Criminal Matters.

38. Practice and procedure in criminal cases.

The following rules of procedure shall be followed by Local Courts in criminal cases, other than cases commenced by a Traffic Infringement Summons:—

- (a) the trial shall be held in open court; and
- (b) the defendant shall be present throughout the trial, unless the Court is satisfied that he does not wish to appear and that it is proper that he be not compelled to appear; and
- (c) at the commencement of the trial, the nature and particulars of the complaint shall be explained to the defendant in a language that, in the opinion of the Court, he understands and the Court shall, in the case of a proceeding referred to in Section 14, explain to him that he is entitled to have the matter dealt with by a District Court and is not obliged to make any defence before the Local Court, and shall ask him whether he so elects; and
- (d) if the defendant does not elect, or is not entitled to elect to be tried before a District Court, he shall then be asked whether he admits or denies the complaint; and
- (e) if the defendant does not plead guilty, the Court shall first hear the evidence of the prosecutor followed by his witnesses, and may then proceed to hear the evidence of the defendant and of any witnesses whom he desires to call; and
- (f) the defendant shall not be compelled to give evidence but may give evidence if he desires to do so; and
- (g) after the prosecutor gives evidence, the defendant is entitled to cross-examine him and his witnesses, and the prosecutor is entitled to cross-examine the defendant (if he gives evidence) and his witnesses; and
- (h) a Magistrate, or an Assistant Magistrate through a Magistrate may ask questions at any stage of the proceedings and the Court may recall and

question the prosecutor, defendant (if he gives evidence) or a witness at any stage of the proceedings; and

- (i) after hearing all the evidence, the Court shall consider its verdict and sentence, which shall be pronounced in open court.

(Amended by No. 3 of 1981, s. 5.)

38A. Practice and procedure in cases commenced by a Traffic Infringement Summons.

(1) The following rules of procedure shall be followed by Local Courts in cases commenced by a Traffic Infringement Summons :—

- (a) the trial shall be held in open court; and
- (b) where the defendant has not made payment to the Clerk of the Court specified in the Traffic Infringement Summons of the sum specified and within the time specified in it, the cases shall be called in that Court on the first day on which that Court sits following the expiry of a period of 14 days commencing on the day following the day on which the Traffic Infringement Summons was served; and
- (c) where the defendant does not appear and is not represented when the case is called in Court, and the Court is satisfied that the Traffic Infringement Summons has been served, the Court shall record a plea of guilty and shall consider its sentence which shall be pronounced in open court; and¹
- (d) where the defendant appears or is represented when the case is called in Court, the nature and particulars of the alleged offence shall be explained to the defendant in a language which he understands and he shall be asked whether he admits or denies the alleged offence; and
- (e) where the defendant does not plead guilty the trial shall proceed in accordance with the provisions of Sections 38(e), (f), (g), (b) and (i) and the defendant shall be present throughout the trial, unless the Court is satisfied that he does not wish to appear and that it is proper that he be not compelled to appear; and
- (f) where the defendant pleads guilty, the Court shall consider its sentence, which shall be pronounced in open court.

(2) For the purpose of Subsection (1)(c), an affidavit as required under Section 34A of the *Motor Traffic Act* is prima facie evidence of service of the Traffic Infringement Summons.

(Added by No. 3 of 1981, s. 6.)

39. Execution of warrants.

A warrant of arrest or of commitment purporting to have been issued by a Magistrate may be executed in any part of the country.

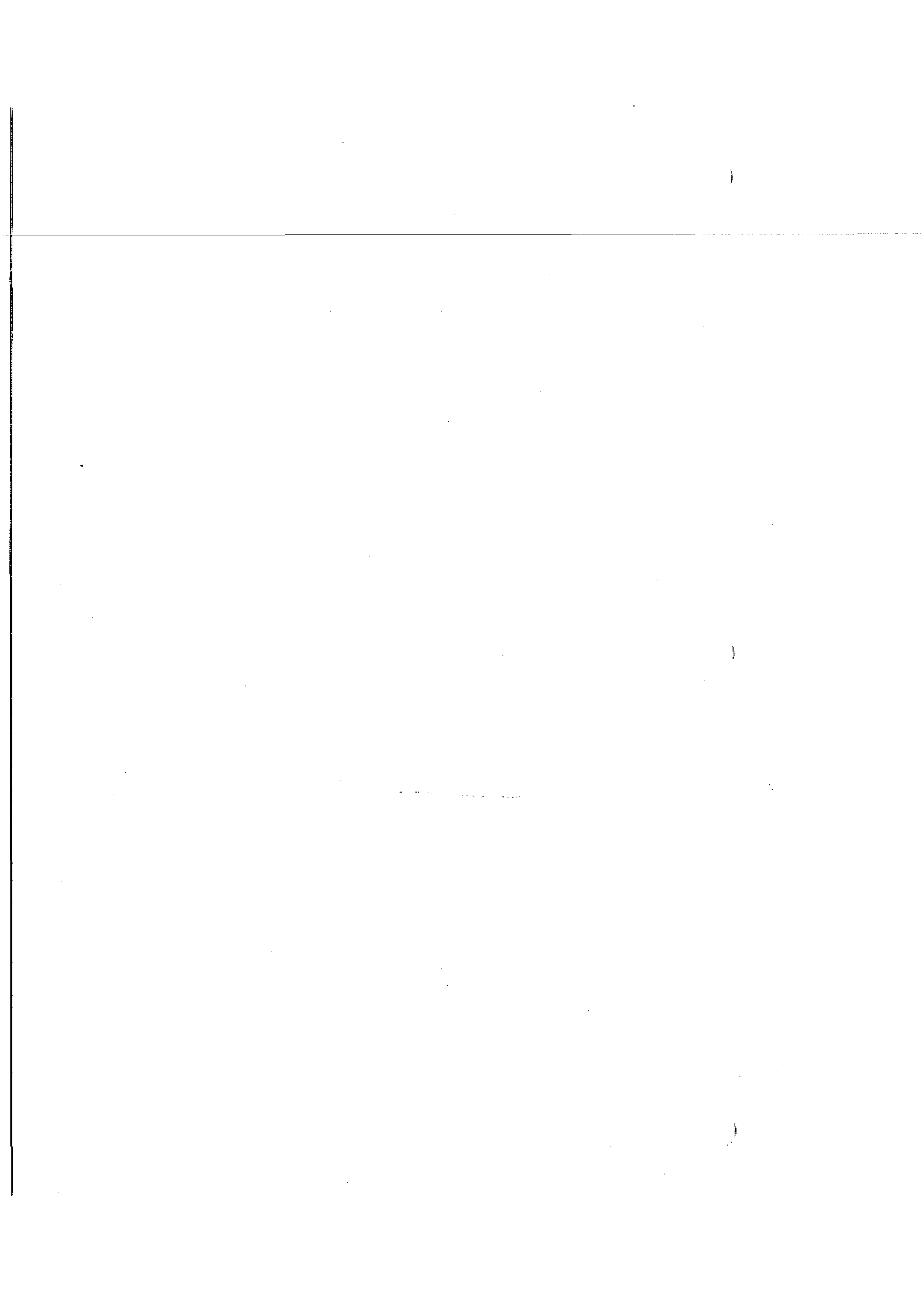
40. Bail².

(1) A person arrested for an offence that may be dealt with by a Local Court shall, as soon as practicable, be brought before a Local Court or District Court.

(2) If it is not practicable to bring a person before a Local Court or District Court within 24 hours after his arrest, a Magistrate or a commissioned officer of the Police force shall inquire into the case and, except where in his opinion there is a likelihood that the

¹Declared unconstitutional by the Supreme Court. See Supreme Court Reference 1A of 1981.

²See, also *Bail Act*.



person may not appear for trial or where bail should be refused for the protection of that person or of other persons, may, in his discretion, discharge the person on bail on his entering into a recognizance, orally or in writing, with or without sureties, to appear before a Local Court at a day, time and place named in the recognizance.

PART V.—TRANSFER OF PROCEEDINGS TO OTHER COURTS.

41. Transfer of proceedings.

(1) Where proceedings have been commenced in a Local Court, the Court may at any time before judgement, on its own motion or otherwise, for reasons which shall be recorded, make an order staying the proceedings and, on such terms as seem to it just, transferring the proceedings for hearing and determination by some other Local Court or, if the proceedings are such that they could have been instituted before a District Court in the first instance, by a District Court.

(2) A District Court may, at any time before verdict or judgement, on its own motion or otherwise, make an order staying proceedings before a Local Court and ordering that the proceedings be taken before a District Court, if the proceedings are such that they could have been instituted before that last-mentioned District Court in the first instance.

(3) An order made by a Local Court in contravention of an order under Subsection (2) is void and of no effect.

(4) Where it appears to a court other than a Local Court that proceedings instituted before it are proceedings—

(a) over which a Local Court has jurisdiction under this Act; and

(b) which can be more properly or more conveniently dealt with by a Local Court,

that first-mentioned court may order that the proceedings be dealt with by the Local Court.

42. Effect of transfer.

Where proceedings are ordered to be transferred to or heard before a Local Court (other than the Court in which the proceedings were instituted or tried) or a District Court under Section 41, the Court in which the proceedings were instituted or tried shall report

the proceedings to that Local Court or District Court, as the case may be, and then that last-mentioned Court shall proceed to the trial or retrial of the case as though, in a criminal proceeding, a complaint of facts constituting the offence had been made to it or, in a civil proceeding, a complaint had been made or a plaint had been filed.

PART VI.—APPEALS.

43. Appeal to National Court.

(1) For the purposes of this section, "decision" includes an order or a sentence.

(2) Subject to Subsections (3) and (4), a person aggrieved by a decision of a Local Court on a matter may appeal from it to the National Court.

(3) Subject to Subsection (4), Subsection (2) shall not be deemed to authorize an appeal by the State against the dismissal of a complaint in a criminal matter.

(4) The National Court may order an amendment to be made at any stage of the proceedings on appeal and an appeal shall be allowed only if it appears to the National Court that there has been a substantial miscarriage of justice.

(5) In hearing an appeal under this section, the National Court may, if it is satisfied that the justice of the case so requires, receive fresh or additional evidence, whether orally or by affidavit.

(6) On an appeal under this section against a decision of a Local Court, the National Court may—

- (a) dismiss the appeal and uphold the decision; or
- (b) reverse the decision; or
- (c) order that the matter be reheard by the same or another Local Court or by a District Court; or
- (d) substitute for the decision any decision including an order for variance, which might have been given, on the evidence before the National Court, by the Local Court or by a District Court, if the justice of the case so requires.

44. Appeal or intervention by the Secretary.

Where, in the opinion of the National Court, the matter is one of such public importance that leave should be granted, the Secretary for Justice may—

- (a) appeal under Section 43 against a decision of a Local Court on behalf of a party; or
- (b) intervene in an appeal under that section.

45. Bail pending hearing of appeal.

Where an appeal has been lodged by the defendant against a decision of a Local Court in a criminal case, a Judge may, in his discretion, admit the defendant to bail on his entering into a recognizance, with or without sureties, to appear before the National Court at the day, time and place fixed for the hearing of the appeal or any adjournment of that hearing, or during any such hearing.

PART VII.—MISCELLANEOUS.

46. Contempt of Court.

(1) A person who—

- (a) when summoned under Section 25 to appear before a Local Court—refuses or fails, without reasonable excuse (proof of which is on him) to do so; or
- (b) wilfully interrupts, interferes with or disturbs the proceedings of a Local Court; or
- (c) wilfully obstructs or attempts to obstruct a Magistrate, Assistant Magistrate or other person acting under this Act; or
- (d) refuses or fails to give evidence or to answer a lawful question when lawfully required to do so by a Local Court or a Magistrate or an Assistant Magistrate,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) An offence against Subsection (1) shall be prosecuted before a District Court, and Part V. does not apply to or in relation to any such offence.

47. Records and returns of cases.

(1) A record of each case instituted, tried or retried before, or transferred to, a Local Court shall be entered in a Court Record to be kept by that Court.

(2) The Court Record shall be in such form and contain such particulars as are prescribed.

(3) Minutes of any evidence given in a case heard before a Local Court shall be taken and shall be subscribed by the Magistrate constituting the Court.

(4) A Local Court shall furnish to the prescribed officer such returns of cases heard by it as are prescribed.

48. Indemnity.

(1) A Magistrate or Assistant Magistrate is not liable to be sued for an act done or an order made by him in the exercise of jurisdiction conferred by this Act, or for an act done by him beyond the limits of that jurisdiction if, at the time when he did the act or made the order, he believed in good faith that he had jurisdiction to do the act or to make the order.

(2) An Associate, Clerk or officer of a Local Court or other person authorized by a Local Court, or bound by law, to execute lawful warrants or orders issued or made in the exercise of jurisdiction conferred by this Act is not liable to be sued for the execution in good faith of a warrant or order issued or made without lawful authority which he would be bound to execute if the person issuing or making the warrant or order had been acting in the exercise of lawful authority.

(3) In any action referred to in this section, the burden of proof of lack of good faith lies on the person who relies on that lack.

49. Fees and costs.

Subject to Section 35, no fees shall be charged or legal or professional costs granted for any matter or thing under this Act.

50. Regulations.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and, in particular, for prescribing matters providing for, relating to or incidental to—

- (a) the training of officers of Local Courts in rules of law and in judicial methods and procedure; and
- (b) the appointment of Clerks and other officers of Local Courts; and
- (c) penalties of fines not exceeding K20.00 or imprisonment for terms not exceeding three months for offences against the regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 41.

Local Courts Regulation.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
“exclusion order”.
2. Service, etc., of summons on witness.
3. Other summonses.
4. Certificate of judgement or order.
5. Court records and returns.
6. Warrants of commitment.
7. Exclusion order, etc.
8. Complaints.
9. Issue of summonses, etc.
10. Register.
11. Anticipated breaches of peace.
12. Preservation of property.
13. Breach of order.
14. Powers of Magistrate not derogated.
15. Communication by Assistant Magistrate.

SCHEDULE 1.—

- FORM 1—Certificate of Unsatisfied Judgement or Order.
- FORM 2—Court Record of a Criminal Case.
- FORM 3—Court Record of a Civil Case.
- FORM 4—Exclusion Order under the Vagrancy Act.
- FORM 5—Variation of Exclusion Order under the Vagrancy Act.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 41.

Local Courts Regulation.

MADE under the *Local Courts Act*.

1. Interpretation.

In this Regulation, unless the contrary intention appears "exclusion order" means an exclusion order under the *Vagrancy Act*.

2. Service, etc., of summons on witness.

(1) A summons issued under Section 25(1) of the Act shall be served personally on, or, in the case of an oral summons, communicated personally to, the person to whom it is directed.

(2) A summons shall be served or communicated by such of the parties or such other person as is ordered to do so by the Court.

(3) Proof of service or communication of summons shall be by the sworn evidence of the person who served or communicated it.

3. Other summonses.

(1) Subject to Section 2, where a summons under the Act, is required to be served or communicated, proof of service or communication shall be by the sworn evidence of the person who served or communicated it.

(2) A Traffic Infringement Summons containing an affidavit purporting to be an affidavit of service under Section 34A of the *Motor Traffic Act* is prima facie evidence of the service of the Traffic Infringement Summons.

(Replaced by No. 19 of 1981, s. 1.)

4. Certificate of judgement or order.

A certificate under Section 35(1) of the Act shall be in Form 1.

5. Court records and returns.

(1) The Court Record in a criminal matter shall be in Form 2, and shall contain the particulars set out in that form.

(2) The Court Record in a civil matter shall be in Form 3, and shall contain the particulars set out in that form.

(3) The Court Record shall be kept by the Magistrate or by the Clerk in duplicate.

(4) The original of the Court Record shall be retained by the Court and the duplicate forwarded to the Secretary for Justice.

6. Warrants of commitment.

A warrant of commitment shall be in the form of Schedule 7 to the *Corrective Institutions Regulation*.

7. Exclusion order, etc.

(1) For the purpose of Section 3 of the *Vagrancy Act*, an exclusion order shall be in Form 4.

(2) For the purpose of Section 4 of the *Vagrancy Act*, a variation of an exclusion order shall be in Form 5.

8. Complaints.

A complaint under Section 22 of the Act may be made to an Assistant Magistrate.

9. Issue of summonses, etc.

An Assistant Magistrate to whom a complaint has been made under Section 8 may exercise the powers of a Local Court conferred by Sections 23(1) and 25 of the Act.

10. Register.

Where—

- (a) a Magistrate in the exercise of the powers conferred on him by the Act; or
- (b) an Assistant Magistrate in the exercise of the powers conferred on him by Section 9,

serves or causes to be served or communicates or causes to be communicated a summons under the Act, he shall enter or cause to be entered in a register kept for the purpose the following particulars :—

- (c) the names of the parties; and
- (d) the name of the person summoned; and
- (e) the name of the person who served or communicated the summons and the manner of service or communication.

11. Anticipated breaches of peace.

Where, on a complaint being made to an Assistant Magistrate, he believes that a breach of the peace is likely to occur, he may order the person in his opinion likely to cause such a breach of the peace to be of good behaviour until that complaint is heard and determined.

12. Preservation of property.

Where, on a complaint being made to an Assistant Magistrate, he believes that it is necessary to preserve property the subject of the complaint, he may order a person to take such steps as to him seem necessary or desirable to preserve the property until the complaint is heard and determined.

13. Breach of order.

A person who, without reasonable excuse (proof of which is on him), refuses or fails to comply with an order made under Section 11 or 12, is guilty of an offence.

Penalty: A fine not exceeding K20.00 or imprisonment for a term not exceeding three months.

14 Powers of Magistrate not derogated.

Sections 11 and 12 shall not be deemed to derogate the powers of a Magistrate under the Act.

15. Communication by Assistant Magistrate.

Notwithstanding anything in this Regulation relating to proof of service of summonses, where an Assistant Magistrate, in the exercise of the powers conferred on him by Section 9 or a Magistrate, in the exercise of his powers under the Act, has personally communicated a summons or information, the entry in the register referred to in Section 10 shall be prima facie evidence of that service or communication, as the case may be.

SCHEDULE 1

PAPUA NEW GUINEA
Local Courts Act

Act, Sec. 35,
Reg, Sec. 4.

Form 1.

CERTIFICATE OF UNSATISFIED JUDGEMENT OR ORDER.
In the _____
Local Court.

Title of action and date of commencement.	Form or nature of action.	Names and residence of party in whose favour judgement given or order made.	Names and residence of party against whom judgement given or order made.	Date of judgement or order.	Abstract of judgement or order.	Amount of judgement or order unpaid.	Remarks.

I certify that this certificate correctly and fully sets out the particulars of the judgement (or order) of the _____
Local Court.
Dated _____, 19 _____.

Clerk.

Act, Sec. 47.
Reg., Sec.5(1).

Form 2.

COURT RECORD OF A CRIMINAL CASE.

Local Court. Criminal Complaint No.:

Complainant:

of:

Defendant:

of:

Charge: That the Defendant on _____, 19____ at (state place and particulars of charge) an offence against Section _____

The Court was satisfied that it apparently had jurisdiction, that it was expedient that it should hear and determine the matter* and that the complaint was not of a trivial or vexatious nature.

Date of complaint:

Date of service of summons:

Place of hearing:

Date of hearing:

Magistrate:

Assistant Magistrate:

Interpreters:

Prosecutor:

Defence lawyer:

The matters prescribed by Section 38(c) of the Act were explained to the Defendant and the Defendant—

consented to the jurisdiction of the Local Court.**

or

elected to be tried by a District Court.**

Plea:

Decision:

Imprisonment for:

Fine K _____, Receipt No.:

Compensation K _____, Receipt No.:

In default:

Order (if any):

Date warrant issued: _____ 19____

Magistrate.

* Strike out if offence solely within jurisdiction of Local Court.

** Strike out if defence solely within jurisdiction of Local Court.

PAPUA NEW GUINEA.

Local Courts Act.

Act, Sec. 47.
Reg., Sec. 5(2).

Form 3.

COURT RECORD OF A CIVIL CASE.

Local Court. Civil Complaint No.:

Complainant:

Lawyer:

Defendant:

of:

Lawyer:

Nature of complaint:

Relief claimed by complainant:

Nature of defence:

The Court was satisfied that it had jurisdiction, that it was expedient that it should hear and determine the matter and that the complaint was not of a trivial or vexatious nature.

Date of complaint:

Date of service of summons:

Date referred to mediator:

Mediator:

Settlement reached at mediation:

Payment into Court: K Receipt No.:

Date of payment:

Date of hearing:

Place of hearing:

Magistrate:

Assistant Magistrate:

Interpreters:

The matters prescribed by Section 34(c) of the Act were explained to the Defendant and the Defendant—

elected not to be heard before a Local Court.*

or

consented to the jurisdiction of the Local Court.*

Order:

Receipt No.:

*Strike out if matter solely within jurisdiction of Local Court.

PAPUA NEW GUINEA.

Local Courts Act.

Reg., Sec. 7(1).

Form 4.

EXCLUSION ORDER UNDER THE VAGRANCY ACT.

In the Local Court at

To

WHEREAS the Court is not satisfied that you have—

* lawful means of support

or

* sufficient lawful means of support,

the Court orders that—

(a) you leave the—

** Province

or

** District

or

** town of

within days unless before the expiration of that time you have obtained lawful employment in the area; and

(b) you remain out of the—

** Province;

or

** District;

or

** town of

for a period of ; and

(c) (conditions, if any.)

Dated ,19

Magistrate,
Local Court.

*Strike out whichever is inapplicable.

**Complete whichever is applicable.

PAPUA NEW GUINEA.

Local Courts Act.

Reg., Sec. 7(2).

Form 5.

VARIATION OF EXCLUSION ORDER UNDER THE VAGRANCY ACT.

In the Local Court at

To

WHEREAS the Court made an exclusion order concerning you dated ,19 and having considered the recommendations of the Court sitting at , and the reasons for its recommendations, IT IS HEREBY ORDERED that the exclusion order be varied as follows :—

(state variation)

subject to the following conditions :—

(conditions, if any)

Dated ,19

Magistrate,
Local Court.

CHAPTER NO. 41.

Local Courts Appeal Rules.

ARRANGEMENT OF SECTIONS.

1. Interpretation.
 "appellant"
 "Court"
 "notice of appeal"
 "the Registrar".
2. Notice of appeal.
3. Time for appeal.
4. Bail.
5. Service of notice.
6. Record of proceedings, etc., to be forwarded.
7. Exhibits.
8. Inspection of documents, etc.
9. Service.
10. Appeal under Section 44 of the Act.
11. Appearance of parties.
12. Decision to be forwarded.
13. Variation of Rules.
14. Stay of execution.

SCHEDULE 1.

- FORM 1.—Confirmation of Notice of Appeal.
- FORM 2.—Notice of Appeal.
- FORM 3.—Application for Bail.
- FORM 4.—Notice of Hearing of Appeal.

CHAPTER NO. 41.

Local Courts Appeal Rules.

MADE under the *Papua New Guinea Act 1945-1975*¹.

1. Interpretation.

In these Rules—

“appellant” means a person who appeals in accordance with Part VI. of the *Local Courts Act*;

“Court” means the Local Court by which the decision appealed against was given;

“notice of appeal” means a notice of appeal prescribed by Section 2;

“the Registrar” means the Registrar of the National Court and includes a Deputy Registrar of that Court.

2. Notice of appeal.

(1) An appeal shall be by way of rehearing and shall be instituted by the appellant lodging with the Registrar a notice of appeal within the time prescribed by Section 3.

(2) A notice of appeal may be lodged by radiogram identifying the parties to the appeal and the decision appealed against.

(3) The appellant who has lodged notice of appeal by radiogram shall, within 30 days, lodge a confirmation of notice of appeal in Form 1.

(4) A notice of appeal lodged otherwise than by radiogram shall be in Form 2.

3. Time for appeal.

A notice of appeal shall be lodged with the Registrar—

(a) where the decision results in the imposition of a sentence of imprisonment of 30 days or more being imposed by the Court whether in default of payment of a fine or otherwise—before the expiration of that sentence of imprisonment; or

(b) in any other case—within 30 days of the date of the decision of the Court; or

(c) in any case within such extended time as the National Court may, having regard to all the circumstances, order, and any such extension may be ordered although the application for it is not made until after the expiration of the time originally allowed for lodging notice of appeal.

4. Bail.

Where Section 45 of the *Local Courts Act* applies an application for bail in Form 3 shall be lodged with the Registrar.

5. Service of notice.

Where a notice of appeal has been lodged with the Registrar in accordance with these Rules he shall immediately—

(a) fix a time and place for the hearing of the appeal; and

¹Adopted by the Constitution. See Constitution, Section Sch. 2.6 (adoption of pre-Independence laws).

~~(b) serve on—~~

- (i) the appellant; and
- (ii) the respondent; and
- (iii) the Clerk of the Court or, if there is no Clerk of the Court, the Magistrate of the Court,

notice in Form 4 of the time and place together with, in the case of the respondent and the Clerk of the Court or Magistrate, as the case may be, a copy of the notice of appeal.

6. Record of proceedings, etc., to be forwarded.

On service on him of a notice of appeal the Clerk of the Court or Magistrate shall immediately transmit to the Registrar a copy together with a further copy for each party to the appeal of the record of the proceedings in the matter, comprising—

- (a) the contents of the complaint or other originating documents; and
- (b) the depositions or if there are no depositions, the evidence and all other proceedings before the Court, relating to the decision; and
- (c) the reasons for the decision which were given at the time of its making or if no such reasons were given a statement to that effect and a short statement to be supplied by the Magistrate of the reasons on which the decision was, in fact, based.

7. Exhibits.

The Clerk or Magistrate shall deliver to the Registrar, with the record of the proceedings the original exhibits (if any) relating to the matter the subject of the decision appealed from unless in his opinion it is impracticable for him to do so, in which case he shall forward to the Registrar a list and description of the exhibits.

8. Inspection of documents, etc.

At any time if any of the documents referred to in Sections 6 and 7 are in the possession of the Registrar, a party to the appeal may attend at the Registrar's office and inspect and copy them.

9. Service.

Service under these Rules may be personal or may be effected by pre-paid registered letter or by any other mode that having regard to the circumstances of any particular case, the Registrar considers proper.

10. Appeal under Section 44 of the Act.

(1) This section applies where leave to appeal or to intervene in an appeal is sought under Section 44 of the Act.

(2) Where the Secretary for Justice seeks leave to appeal he shall apply to the National Court on motion for leave within the time or extended time for lodging notice of appeal prescribed by Section 3.

(3) There shall be filed with the motion under Subsection (2), an affidavit or affidavits setting out all relevant facts material to the National Court's forming the opinion that the matter is of such public importance that leave should be granted.

(4) Where the Secretary for Justice seeks leave to intervene he shall apply to the National Court on motion for such leave.

~~(5) There shall be filed with the motion under Subsection (4) an affidavit or affidavits setting out such facts as are material for the formation of the National Court's opinion that leave should be granted to the Secretary for Justice to intervene in an appeal.~~

(6) If leave is granted to the Secretary for Justice to appeal against a decision of a Local Court he shall within 10 days of the granting of such leave lodge a notice of appeal with the Registrar and the procedure then to be followed shall be as set out in these Rules.

(7) If the National Court grants leave to the Secretary for Justice to intervene in an appeal he shall immediately notify the Registrar in writing of any further grounds of appeal on which he seeks to rely and in such case the Registrar shall amend the title of the appeal to include the Secretary as an intervener and shall serve on—

- (a) the appellant; and
- (b) the respondent; and
- (c) the Clerk of the Court or, if there is no Clerk of the Court, the Magistrate of the Court,

notice of the fact of the intervention of the Secretary and a copy of the ground or grounds on which the Secretary proposes to rely.

11. Appearance of parties.

An appeal under these Rules shall not be heard and determined unless at the hearing of the appeal—

- (a) all parties to the appeal appear or are represented before the National Court; or
- (b) the National Court is satisfied with respect to any party who neither appears nor is represented that he has been served with a notice setting out the date and place of the hearing of the appeal.

12. Decision to be forwarded.

When an appeal has been determined the Registrar shall forward to the Clerk of the Court from which the appeal was brought or, if there is no Clerk, to the Magistrate, a memorandum of the decision of the National Court for entry in his register.

13. Variation of Rules.

Where it appears that compliance with these Rules cannot reasonably be achieved the National Court may dispense with such compliance and give such directions as may be necessary and convenient in the particular case.

14. Stay of execution.

Subject to any order which may be made in the matter by the National Court an appeal shall not operate as a stay of execution.

SCHEDULE 1.

PAPUA NEW GUINEA.

Local Courts Act.

(Heading.)

Sec.2(3).

Form 1.

CONFIRMATION OF NOTICE OF APPEAL.

Take notice that the above-named appellant confirms the notice of appeal given by him against a decision of a Local Court.

1. The decision appealed against is the decision (or order, or sentence) of the Local Court held at given on , 19 , by which
2. Notice of appeal was lodged with the Registrar by radiogram on , 19 .
3. The appellant appeals against the whole of the decision (or that part of the decision by which).
4. The grounds relied on in support of the appeal are:
5. The order which the appellant seeks in place of the decision appealed from is:
6. The full names and addresses of the appellant and respondent respectively are:

Appellant.

Respondent.

Dated , 19 .

(Signature of Appellant (or Appellants' Lawyer(s).))

PAPUA NEW GUINEA.

Local Courts Act.

(Heading.)

Sec.2(4).

Form 2.

NOTICE OF APPEAL.

Take notice that the above-named appellant being aggrieved by a decision of a Local Court appeals from that decision to the National Court.

1. The decision appealed against is the decision (or order, or sentence) of the Local Court held at given on , 19 , by which
2. The appellant appeals against the whole of the decision (or that part of the decision by which).
3. The grounds relied on in support of the appeal are:
4. The order which the appellant seeks in place of the decision appealed from is:
5. The full names and addresses of the appellant and respondent respectively are:

Appellant.

Respondent.

Dated , 19 .

(Signature of Appellant (or Appellants' Lawyer(s).))

PAPUA NEW GUINEA

Local Courts Act.

(Heading.)

Sec.4.

Form 3.

APPLICATION FOR BAIL.

Take notice that the above-named appellant applies to the National Court to be admitted to bail.

In the Local Court held at _____ on _____, 19____, the appellant was found guilty of _____ and was sentenced to _____ and it was further ordered _____

The grounds of the application are as follows:

Notice of appeal against that decision of the Local Court was lodged with the Registrar of the National Court on _____, 19____.

Dated _____, 19____.

(Signature of Applicant (or Applicants' Lawyer(s).))

This application will be heard at the National Court at _____ on _____, 19____ at _____ a.m./p.m. or as soon after as counsel may be heard.

Registrar.

PAPUA NEW GUINEA.

Local Courts Act.

(Heading.)

Sec.5.

Form 4.

NOTICE OF HEARING OF APPEAL.

Take notice that this appeal will be heard at the first sitting of the National Court at _____ to be held after the expiration of _____ days from _____ or as soon after as counsel may be heard.

Dated _____, 19____.

Registrar.

CHAPTER NO. 41.

Local Courts.

SUBSIDIARY LEGISLATION.

Act, Section 2.—Establishment of Local Courts.

Bougainville Local Court	Bougainville Province.
Central Local Court	Central Province.
Chimbu Local Court	Chimbu Province.
East New Britain Local Court	East New Britain Province.
East Sepik Local Court	East Sepik Province.
Eastern Highlands Local Court	Eastern Highlands Province.
Enga Local Court	Enga Province.
Gulf Local Court	Gulf Province.
Madang Local Court	Madang Province.
Manus Local Court	Manus Province.
Milne Bay Local Court	Milne Bay Province.
Morobe Local Court	Morobe Province.
New Ireland Local Court	New Ireland Province.
Northern Local Court	Northern Province.
Southern Highlands Local Court	Southern Highlands Province.
West New Britain Local Court	West New Britain Province.
West Sepik Local Court	West Sepik Province.
Western Highlands Local Court	Western Highlands Province.
Western Local Court	Western Province.

10

11

12

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 41.

Local Courts.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE LOCAL COURTS ACT.

Part A.—Previous Legislation.

- Local Courts Act* 1963 (No.65 of 1963)
as amended by—
Local Courts Act 1966 (No.55 of 1966)
Statute Law Revision (Metric Conversion) Act 1974 (No.49 of 1974)
Local Courts (Legal Representation) Act 1975 (No.2 of 1975)
Statute Law Revision (Independence) Act 1975 (No.92 of 1975)
Local Courts (Deputy Magistrates) Act 1976 (No.44 of 1976)
Local Courts (Limits of Civil Jurisdiction) Act 1980 (No. 41 of 1980)
Local Courts (Traffic Infringement Summons) Act 1981 (No. 3 of 1981)
Local Courts (Amendment) Act 1983 (No. 35 of 1983).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	4	18	19
2	5	18A	19AA
3	6	19	19A
4	6A	20	20
5	6B	21	21
6	7	22	22
7	8	23	23
8	9	24	24
9	10	25	25
10	11	26	26
11	12	27	27
12	13	28	28
13	14	29	29
14	15	30	30
15	16	31	31
16	17	32	32
17	18	33	33

¹Unless otherwise indicated, references are to the Act set out in Part A.

Part B.—Cross References—continued.

Section, etc., in Revised Edition.	Previous Reference.	Section, etc., in Revised Edition.	Previous Reference.
34	34	42	42
35	35	43	43
36	36	44	44
37	37	45	45
38	38	46	47
38A	38A	47	48
39	39	48	49
40	40	49	50
41	41	50	51

APPENDIX 2.

SOURCE OF THE LOCAL COURTS REGULATION.

Part A.—Previous Legislation.

Local Courts Regulations 1965 (Statutory Instrument No.25 of 1965)

as amended by—

Statutory Instrument No.42 of 1965

Statutory Instrument No.37 of 1967

Local Courts (Vagrancy) Regulation 1977 (Statutory Instrument No.33 of 1977)

Local Courts (Amendments) Regulation 1981 (Statutory Instrument No. 19 of 1981).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	2	9	6B
2	3	10	6C
3	3A	11	6D
4	4	12	6E
5	5	13	6F
6	6	14	6G
7	6AA	15	6H
8	6A	Schedule 1.	The Schedule.

¹Unless otherwise indicated, references are to the regulations set out in Part A.

APPENDIX 3.

SOURCE OF LOCAL COURTS APPEAL RULES.

Part A.—Previous Legislation.

Appeal (Local Courts) Rules 1967 (No.44 of 1967).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference. ¹	Section, etc., in Revised Edition.	Previous Reference. ¹
1	2	9	10
2	3	10	11
3	4	11	12
4	5	12	13
5	6	13	14
6	7	14	15
7	8	SCHEDULE 1.	FORMS.
8	9		

¹Unless otherwise indicated, references are to the Rules set out in Part A.

