

## COURTS (HIRE-PURCHASE AGREEMENTS).

### No. 7 of 1963.

#### An Ordinance to restrict the Jurisdiction of Courts in relation to Hire-purchase Agreements.

## Short title.

1. This Ordinance may be cited as the *Courts (Hire-purchase Agreements) Ordinance 1963*.\*

## Commencement.

2. This Ordinance shall come into operation on a date to be fixed by the Minister by notice in the *Gazette*.†

## Administration.

3. This Ordinance shall be administered by the Attorney-General.

## Interpretation.

4.—(1.) In this Ordinance—

“court of the Territory” means—

(a) the Supreme Court; or

(b) the Court of Petty Sessions;

“goods” includes all chattels personal other than money or things in action;

“hire-purchase agreement” includes a letting of goods with an option to purchase and an agreement for the purchase of goods by instalments (whether such agreement describes the instalments as rent or hire or otherwise), but does not include an agreement—

(a) whereby the property in the goods comprised in the agreement passes at the time of the agreement or upon or at any time before delivery of the goods; or

(b) under which the person by whom the goods are being hired or purchased is a person who is engaged in the trade or business of selling goods of the same nature or description as the goods comprised in the agreement;

“hirer”, in relation to a hire-purchase agreement, means the person to whom goods are let, hired or agreed to be sold under the agreement, and includes a person to whom the hirer’s rights or liabilities under the agreement have passed by assignment

\* Made on 29th March, 1963; notified in the *Commonwealth Gazette* on 2nd April, 1963.

† The date fixed was 10th May, 1963; see *Commonwealth Gazette*, 9th May, 1963, p. 1689.

and a person to whom or a corporation to which those rights or liabilities have passed by operation of law;

“person” means a natural person;

“suit” includes any action or original proceeding between parties of a civil nature;

“the Court of Petty Sessions” means the Court of Petty Sessions established under the *Court of Petty Sessions Ordinance 1930-1961*;

“writ of summons” includes any writ or process by which a suit is commenced or of which the object is to require the appearance of any person in a suit.

(2.) Where, by virtue of two or more agreements, none of which by itself constitutes a hire-purchase agreement, there is a bailment of goods and either the bailee may buy the goods or the property in the goods will or may pass to the bailee, the agreements shall, for the purposes of this Ordinance, be treated as a single hire-purchase agreement made at the time when the last agreement was made.

**5.** This Ordinance applies to a suit (other than a suit pending at the date of commencement of this Ordinance) concerning a matter arising out of a hire-purchase agreement, whether made before or after that date and whether made within or outside the Territory, in a case where—

- (a) the suit is brought against the hirer of goods comprised in the agreement; and
- (b) a writ of summons in the suit has not been served on the hirer personally in the Territory.

**6.—(1.)** A court of the Territory has jurisdiction to hear and determine a suit to which this Ordinance applies—

- (a) if the hirer is ordinarily resident or is carrying on business in the Territory at the institution of the suit;
- (b) if the hirer made the offer to enter into the hire-purchase agreement and the hirer—
  - (i) was in the Territory when he made the offer; or
  - (ii) was ordinarily resident or was carrying on business in the Territory when the agreement was made; or

Application.

Jurisdiction of courts in suits to which the Ordinance applies.

- (c) if the hirer accepted the offer to enter into the hire-purchase agreement and the hirer—
  - (i) was ordinarily resident or was carrying on business in the Territory when the offer was made to him; or
  - (ii) was in the Territory when he accepted the offer,

but not otherwise.

(2.) Nothing in this Ordinance shall be taken—

- (a) to confer on the Court of Petty Sessions jurisdiction to hear or determine a suit to which this Ordinance applies where the amount claimed, or the value of the goods to which the suit relates, is greater than the amount or value in respect of which that Court would have jurisdiction if the writ of summons in the suit were served on the hirer personally in the Territory; or
- (b) to affect the jurisdiction of a court of the Territory to award costs in a suit to which this Ordinance applies that is dismissed for want of jurisdiction.

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