

SERVICE AND EXECUTION OF PROCESS ACT 1974

No. 96 of 1974

An Act to amend the *Service and Execution of Process Act* 1901-1973.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Service and Execution of Process Act* 1974.¹ Short title and citation.

(2) The *Service and Execution of Process Act* 1901-1973² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Service and Execution of Process Act* 1901-1974.

2. Section 5 of the Principal Act is amended by omitting from subsection (2) the words “five miles” and substituting the figure and word “10 kilometres”. Indorsement on writ for service outside State.

3. Section 9 of the Principal Act is amended by omitting from subsection (1) the words “five miles” and substituting the figure and word “10 kilometres”. Appearance to state address for service.

4. The amendment made by section 2 of this Act applies to any writ of summons issued after the commencement of this Act, and the amendment made by section 3 of this Act applies to any appearance entered after the commencement of this Act, including an appearance to a writ of summons issued before the commencement of this Act. Application.

5. The Principal Act is amended as set out in the Schedule. Formal amendments.

SCHEDULE

Section 5

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words that is used, whether with or without the addition of a letter, to identify a section of that Act, and substituting that number expressed in figures:—

Sections 11 (1) (i), 15 (1), 16 (3), 18 (1), 19A (1), 26A (1) (definitions of “warrant of apprehension” and “warrant of commitment”), 26G (6), 26H (2) (b), 26J (7) (a), 28. Form 2 in the Fourth Schedule.

SCHEDULE—continued

2. The following provisions of the Principal Act are amended by omitting the words “of this Act”, “of this section” and “of this sub-section” (wherever occurring):—

Sections 11 (1) (i), 13, 15 (1), 16 (3), 16A (1A), 18 (1), 19A (1), 26A (1) (definitions of “warrant of apprehension” and “warrant of commitment”), 26D (1), 26F (1) (a), 26G (6), 26H (2) (b), 26J (7) (a), 28.

NOTES

1. Act No. 96, 1974; assented to 18 November 1974; commenced 16 December 1974.
2. Act No. 11, 1901, as amended by No. 18, 1912; No. 29, 1918; No. 27, 1922; No. 26, 1924; No. 14, 1928; No. 45, 1931; No. 45, 1934; No. 22, 1945; No. 80, 1950; No. 48, 1953; No. 6, 1958; No. 35, 1963; No. 147, 1968; and No. 216, 1973 (as amended by No. 20, 1974).