

**Information Note for the Bills Committee on
District Court (Amendment) Bill 1999**

**Extract of the Kempster Report
relating to proposed section 39
on “Agreements as to jurisdiction”**

Purpose

To respond to a request made by a Member at the meeting on 1 February 2000 for an extract of the Kempster Report relating to the proposed section on “Agreements as to jurisdiction”.

The Kempster Report

2. The Kempster Working Party made the following recommendations in respect of the subject “Agreements as to jurisdiction” -

“(c) The proposed section 37B (renumbered as section 39 in the District Court (Amendment) Bill) would allow the District Court to accept unlimited jurisdiction for specified actions or proceedings by agreement”.

3. The relevant extract of the draft provision prepared by the ---- Kempster Working Party is attached.

Extract of the draft provision
prepared by the Kempster Working Party
on “Agreements as to jurisdiction”

37B. Agreements as to jurisdiction

(1) Where all the parties to any such action or proceeding in the Court as is mentioned in sections 32, 33, 35, 36 or 37(1)(c), (d) or (f) (but disregarding the monetary limits specified therein), agree, by a memorandum signed by them or by their respective legal representatives, for the Court to have jurisdiction in the action or proceeding, the Court shall have jurisdiction to hear and determine the action or proceeding accordingly, notwithstanding any such monetary limits as aforesaid, and the references in this Ordinance to the jurisdiction of the Court in relation to any action or proceeding are to be construed as including reference to jurisdiction conferred by virtue of any such agreement.

(2) A memorandum pursuant to this section may be entered into at any time, and, where it is entered into after the action or proceeding has commenced, the action or proceeding shall be deemed to have been within the jurisdiction of the court since its commencement.

(3) Save as provided by this section, no consent or conduct of a party shall confer jurisdiction on the Court.

(Added)