

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

Proposed further Committee Stage Amendments

Purpose

To propose further amendments to Clause 1(2) and proposed section 44A in Clause 22 of the Bill.

Proposed amendments

2. We propose the following further Committee Stage Amendments (CSAs) -
 - (a) Clause 1(2) - By adding a provision to the effect that section 72, section 72A, section 72B, section 72C, section 72D, section 72E and section 73 shall come into operation immediately upon the enactment of the District Court (Amendment) Bill;
 - (b) Clause 22, item (h) - By deleting proposed section 44A(3) and substituting -
 - (3) Upon a transfer under subsection (1), the Court shall have jurisdiction to hear and determine all or part of an action or proceeding, including a counterclaim, so transferred notwithstanding any enactment to the contrary.

Justifications

3. The proposed amendment to Clause 1(2) is to empower the District Court Rules Committee to make the new Rules of the District Court by virtue of proposed section 72, 72A, 72B, 72C and 72D to 72E and 73 immediately after the enactment of the District Court (Amendment) Bill. The rest of the Bill shall come into operation on a day to be appointed by the Chief Secretary for Administration by notice in the Gazette.

4. The proposed further amendment to section 44A is to avoid any doubt as to the District Court's power to hear those cases which are outside the monetary jurisdiction of the Court, but are transferred to the Court under an order made by the Court of First Instance, with the consent of the parties concerned, pursuant to proposed section 44A(1).

Recommendation

5. Subject to Members' comments, we shall incorporate the proposed amendments in paragraph 2 above in the final version of the CSAs.