

No. 8 of 2000.

*District Courts (Amendment) Act 2000.*

Certified on: 18 '08 '00

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

*District Courts (Amendment) Act 2000.*

ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 1).
2. Repeal of Section 2.
3. Constitution of Court (Amendment of Section 16).
4. Jurisdiction of Courts (Amendment of Section 20).
5. Civil Jurisdiction (Amendment of Section 21).
6. New Section 22A.  
**“22A. DISSOLUTION OF CUSTOMARY MARRIAGE.**
7. New Section 22B.  
**“22B. MEDIATION IN CIVIL MATTERS.**
8. New Section 22C.  
**“22C. HEARING WHEN MEDIATION FAILS.**
9. New Section 22D.  
**“22D. STATEMENTS, ETC., MADE IN COURSE OF MEDIATION.**
10. Accused to be asked whether he desires to give evidence (Amendment of Section 96).
11. Venue of summary cases (Amendment of Section 122).

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 2000.

AN ACT

entitled

*District Courts (Amendment) Act 2000,*

Being an Act to amend the *District Courts Act* (Chapter 40),

MADE by the National Parliament.

**1. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the Principal Act is amended -

- (a) by repealing the definition of "Magistrate" and replacing it with the following:-

"Magistrate" means a magistrate appointed under the *Magisterial Service Act* (Chapter 43) and includes a Deputy Chief Magistrate, a Principal Magistrate, a District Court Magistrate and a Reserve Magistrate;"  
and

- (b) by repealing the following definitions:-

"Magistrate Grade V"  
"Magistrate Grade IV"  
"Magistrate Grade III"  
"Principal Magistrate".

**2. REPEAL OF SECTION 2.**

Section 2 of the Principal Act is repealed.

**3. CONSTITUTION OF COURT (AMENDMENT OF SECTION 16).**

Section 16 of the Principal Act is amended -

- (a) by repealing Subsection (2) and replacing it with the following:-

"(2) Where a Court is constituted of two or more Magistrates, the Magistrate senior by date of appointment shall be the Chairman of the Court."; and

- (b) by repealing Subsection (3).

*District Courts (Amendment)*

**4. JURISDICTION OF COURTS (AMENDMENT OF SECTION 20).**

Section 20(1A) of the Principal Act is amended by repealing the words and figure "Magistrates Grade V" and replacing them with the following:-

"Principal Magistrates".

**5. CIVIL JURISDICTION (AMENDMENT OF SECTION 21).**

Section 21(1) of the Principal Act is amended -

(a) by repealing Paragraph (a) and replacing it with the following:-

"(a) where the Court consists of one or more Principal Magistrates - K10,000.00"; and

(b) by repealing Paragraph (b) and replacing it with the following:-

"(b) where the Court consists of one or more Magistrates - K8,000.00"; and

(c) by repealing Paragraphs (c) and (d).

**6. NEW SECTION 22A.**

The Principal Act is amended by inserting after Section 22 the following new section:-

**"22A. DISSOLUTION OF CUSTOMARY MARRIAGE.**

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

"(2) A certificate under Subsection (1) is conclusive evidence that the marriage has been dissolved."

**7. NEW SECTION 22B.**

The Principal Act is amended by inserting after Section 22A the following new section:-

**"22B. MEDIATION IN CIVIL MATTERS.**

(1) A Magistrate approved by the Judicial and Legal Services Commission for the purpose, or a person appointed by the District 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.

*District Courts (Amendment)*

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

“(3) Where a settlement has been reached under this section, the District Court may embody it in its decision without further hearing.”

**8. NEW SECTION 22C.**

The Principal Act is amended by inserting after Section 22B the following new section:-

**“22C. HEARING WHEN MEDIATION FAILS.**

Where a Magistrate has acted as mediator under Section 22B(1) but the attempt or 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.”

**9. NEW SECTION 22D.**

The Principal Act is amended by inserting after Section 22C the following new section:-

**“22D. 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 22B 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.”

**10. ACCUSED TO BE ASKED WHETHER HE DESIRES TO GIVE EVIDENCE (AMENDMENT OF SECTION 96).**

Section 96 of the Principal Act is amended by adding the following new subsection:-

“(3) In an examination of a defendant in accordance with this Division neither the defendant nor his legal representative shall be permitted to subject any witness to cross-examination.”

*District Courts (Amendment)*

**11. VENUE OF SUMMARY CASES (AMENDMENT OF SECTION 122).**

Section 122(5) of the Principal Act is amended by repealing the words and figure "Magistrate Grade V" and replacing them with the following:-

"Principal Magistrate".

I hereby certify that the above is a fair print of the *District Courts (Amendment) Act 2000* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *District Courts (Amendment) Act 2000* was made by the National Parliament on 5 April 2000.

Speaker of the National Parliament.