
No. 5 of 1976

An Ordinance to amend the *Local Courts Ordinance* 1941 as amended

[Assented to 2 February 1976]

BE it ordained by the Legislative Assembly for the Northern Territory of Australia as follows:

1. This Ordinance may be cited as the *Local Courts Ordinance* 1975. Short title

2. The *Local Courts Ordinance* 1941 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance

3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*.* Commencement

4. Section 116 of the Principal Ordinance is repealed and the following section inserted in its stead—
“116.(1) A Judge or Stipendiary Magistrate may, on application by a defendant in any action or matter pending before the Court, order that the plaintiff give security for the costs of the action or matter to such amount and in such manner as the Judge or Stipendiary Magistrate thinks proper. Security for costs
“(2) Where an order is made under sub-section (1), a Judge or a Stipendiary Magistrate may—
 - (a) stay all proceedings in the action until the security is given; and
 - (b) if the security is not given within a reasonable time, order the action to be struck out.

* The date fixed was 5 March 1976 (see *Northern Territory Government Gazette* No. 10 of 5 March 1976, page 246).

“(3) No order pursuant to sub-section (1) shall be made unless the Judge or Stipendiary Magistrate is satisfied—

- (a) that the plaintiff was not at the time of commencement of the action or matter within any State or other part of Australia;
 - (b) that, before judgment has been obtained, the plaintiff has left Australia; or
 - (c) that, for some other sufficient reason, an order should be made.”.
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