

**SUITORS' FUND (LEGAL SERVICES COMMISSION)  
AMENDMENT ACT, 1979, No. 84**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 84, 1979.**

An Act to amend the Suitors' Fund Act, 1951, to enable the granting of an indemnity certificate to a person in receipt of legal aid and to further amend that Act as a consequence of the enactment of the Legal Services Commission Act, 1979. [Assented to, 16th May, 1979.]

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*Suitors' Fund (Legal Services Commission) Amendment.*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

**Short title.**     **1.** This Act may be cited as the "Suitors' Fund (Legal Services Commission) Amendment Act, 1979".

**Commence-ment.**     **2.** (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 and Schedule 1 shall commence on the day appointed and notified under section 2 (3) of the Legal Services Commission Act, 1979.

**Amendment of Act No. 3, 1951.**     **3.** The Suitors' Fund Act, 1951, is amended in the manner set forth in Schedule 1.

**Sec. 3.**

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**SCHEDULE 1.**

**AMENDMENTS TO THE SUITORS' FUND ACT, 1951.**

(1) Section 2, definition of "Legally assisted person"—

After the definition of "Indemnity certificate", insert :—

"Legally assisted person" has the meaning ascribed thereto in section 4 (1) of the Legal Services Commission Act, 1979.

(2) (a) Section 3 (1)—

Omit "and any moneys required to be paid into the Suitors' Fund under the Legal Assistance Act, 1943".

(b) Section 3 (1)—

Omit "of this Act and in subsection (1A) of section 14 and in subsections (3) and (5) of section 17 of the Legal Assistance Act, 1943".

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*Suitors' Fund (Legal Services Commission) Amendment.*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE SUITORS' FUND ACT, 1951—*continued.*

(3) (a) Section 6 (1A)—

Omit "a District Court or to a judge of a District Court", insert instead "the District Court of New South Wales".

(b) Section 6 (1A)—

Omit ", Court or judge", insert instead "or Court".

(c) Section 6 (5)—

Omit "shall be in the discretion of the court", insert instead "shall, except as provided by subsections (5A), (6) and (7), be in the discretion of the Supreme Court, Industrial Commission of New South Wales or District Court of New South Wales, as the case may be,".

(d) Section 6 (5A)—

After section 6 (5), insert :—

(5A) Where a respondent to an appeal referred to in subsection (1) or (1A) is a legally assisted person, he shall, for the purpose of exercising the discretion referred to in subsection (5) and for the purpose of determining the amount which he is entitled to be paid from the Fund—

- (a) be deemed not to be a legally assisted person; and
- (b) be deemed to have incurred himself such costs as have been incurred by any other person in the course of acting for him as a legally assisted person.

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*Suitors' Fund (Legal Services Commission) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE SUITORS' FUND ACT, 1951—*continued.*

## (4) (a) Section 6A (1A)—

Omit "an assisted person" where firstly, secondly and thirdly occurring, insert instead "a legally assisted person".

## (b) Section 6A (1A)—

Omit ", if the said Under Secretary so directs,".

## (c) Section 6A (1A)—

Omit "In this subsection, "assisted person" means an assisted person within the meaning of section 2 of the Legal Assistance Act, 1943, or a contributor within the meaning of section 2 of the Legal Practitioners (Legal Aid) Act, 1970.".

## (5) Section 6B (1A)—

After section 6B (1), insert :—

(1A) Where a respondent to an appeal referred to in subsection (1) is a legally assisted person, he shall, for the purpose of determining the amount which he is entitled to be paid from the Fund—

- (a) be deemed not to be a legally assisted person; and
  - (b) be deemed to have incurred himself such costs as have been incurred by any other person in the course of acting for him as a legally assisted person.
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