



ANNO VICESIMO TERTIO

**ELIZABETHAE II REGINAE**

A.D. 1974

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**No. 36 of 1974**

**An Act to amend the Local and District Criminal Courts Act, 1926-1972.**

*[Assented to 11th April, 1974]*

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Local and District Criminal Courts Act Amendment Act, 1974". Short titles.

(2) The Local and District Criminal Courts Act, 1926-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local and District Criminal Courts Act, 1926-1974".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 35g of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (2) and inserting in lieu thereof the following paragraph:— Amendment of principal Act, s. 35g— Power to award interest.

(a) shall be calculated at such rate of interest as may be fixed by the court;;

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) Where a party to any proceedings before the court is entitled to an award of interest under this section, the court may, in the exercise of its discretion, and without proceeding to calculate the interest to which that party may be entitled in accordance with subsection (2) of this section, award a lump sum in lieu of that interest.;

and

(c) by inserting after paragraph (a) of subsection (4) the following paragraph:—

(ab) authorize the award of interest upon exemplary or punitive damages;

Amendment of  
principal Act,  
s. 153—  
Execution of  
judgments and  
orders for the  
payment of  
money.

4. Section 153 of the principal Act is amended—

(a) by striking out the passage “Judgments and orders” and inserting in lieu thereof the passage “Subject to subsection (2) of this section, judgments and orders”;

and

(b) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) A judgment or order of a local court, Judge or special magistrate, in so far as it provides for the payment of costs, shall not be enforced—

(a) unless a letter setting forth the amount of the taxed costs has been served personally on the defendant;

or

(b) unless a letter setting forth the amount of the taxed costs has been sent by post to the last address of the defendant of which the plaintiff has had notice and the letter would, in the ordinary course of the post, have reached that address.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor