



ANNO DECIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1969

No. 102 of 1969

An Act to amend the Local Courts Act, 1926-1965, to make provision for the establishment of District Criminal Courts, and for other purposes.

[Assented to 18th December, 1969.]

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 Courts Act Amendment Act, 1969". Short titles.
- (2) The Local Courts Act, 1926-1965, as amended by this Act, may be cited as the "Local and District Criminal Courts Act, 1926-1969".
- (3) The Local Courts Act, 1926-1965, is hereinafter referred to as "the principal Act".
2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.
3. The long title of the principal Act is amended by inserting after the passage "and officers thereof," the passage "to make provision for the establishment of District Criminal Courts". Amendment of long title of principal Act.
4. The following heading is enacted and inserted immediately above section 1 of the principal Act :— Enactment of new heading.

PART AI.

PRELIMINARY.

Repeal of
s. 4 of
principal Act
and enactment
of section in
its place—
Interpretation.

5. Section 4 of the principal Act is repealed and the following section is enacted and inserted in its place :—

4. (1) In this Act, unless the contrary intention appears—

“Acting Judge” means a person appointed to and holding acting judicial office under this Act :

“Full Court” means Full Court as defined in section 5 of the Supreme Court Act, 1935-1969, as amended:

“Judge” means a person appointed to and holding judicial office under this Act ; and, unless the contrary intention appears, includes an Acting Judge :

“rules of court” means, as the case might require, rules of court made under the local court provisions or rules of court made under the district criminal court provisions :

“Senior Judge” means the person for the time being holding the rank and style of Senior Judge under subsection (4) of section 5b of this Act and includes the person for the time being holding the rank and style of Acting Senior Judge under subsection (1) of section 5d of this Act :

“the district criminal court provisions” means Parts XVIII to XX, inclusive, of this Act :

“the local court provisions ” means Parts I to XVII, inclusive, of this Act.

(2) In this section and in the local court provisions, unless the contrary intention appears—

“bailiff” includes assistant bailiff :

“clerk” includes assistant clerk :

“court” means local court :

“formerly” means before the passing of the Supreme Court Act, 1878 :

“law” includes equity :

“local court” means—

- (a) a court constituted of a Judge of the Supreme Court when sitting in exercise of the jurisdiction conferred upon such court by the local court provisions ;
- (b) a court constituted under this Act of a Local Court Judge as such ;
- (c) a court constituted of a special magistrate when sitting in exercise of the jurisdiction conferred on such court by the local court provisions ;
- (d) a court constituted of two justices or a special justice when sitting as a local court of special jurisdiction in exercise of the jurisdiction conferred on such court by the local court provisions ;

or

- (e) the tribunal, however constituted, that has, under the local court provisions, jurisdiction by consent to hear and determine any action,

according as those definitions are respectively applicable to the particular case being heard and determined and the jurisdiction of the court or the tribunal sitting at the relevant time :

“Local Court Judge” means a Judge when sitting as such in exercise of the jurisdiction conferred on him by the local court provisions :

“local court of special jurisdiction” means a court constituted as such of a Judge, a special magistrate, or of two justices or a special justice sitting to hear and determine unsatisfied judgment summonses in pursuance of the local court provisions :

“the local court jurisdictional limit”, in relation to an action or a claim, means—

- (a) where the action or claim is of a kind referred to in section 32a of this Act—ten thousand dollars ;

and

- (b) where the action or claim is of any other kind that is within the jurisdiction of a local court—eight thousand dollars :

“warrant” includes writ :

“writ” includes warrant.

(3) In this section and in the district criminal court provisions, unless the contrary intention appears—

“district” means district established under section 319 of this Act :

“District Criminal Court” means a court constituted of a person appointed to and holding judicial office under this Act when sitting as a Recorder in exercise of the jurisdiction conferred on him by the district criminal court provisions :

“group I offence” means an indictable offence that is—

(a) a capital offence ;

or

(b) a felony or misdemeanour, the maximum punishment by way of imprisonment for which is imprisonment for a term exceeding ten years, whether or not a fine or any other penalty or order can be imposed or made in addition to or in substitution for imprisonment :

“group II offence” means an indictable offence that is a felony or misdemeanour, the maximum punishment by way of imprisonment for which is imprisonment for a term exceeding four years but not exceeding ten years, whether or not a fine or any other penalty or order can be imposed or made in addition to or in substitution for imprisonment :

“group III offence” means an indictable offence that is a felony or misdemeanour, the maximum punishment by way of imprisonment for which is imprisonment for a term not exceeding four years, whether or not a fine or any other penalty or order can be imposed or made in addition to or in substitution for imprisonment :

“officer” means the Principal Registrar or Assistant Registrar or any other officer appointed by the Governor under section 324 of this Act :

“Recorder” means a Judge when sitting as a Recorder in exercise of the jurisdiction conferred on him as such by the district criminal court provisions :

“Registrar” means Principal Registrar or Assistant Registrar, as the case might require, appointed and holding office under section 324 of this Act :

“to sentence”, in relation to a person convicted of any offence, means to make and to give all such

orders and directions (whether imposing a term of imprisonment or not) consequent upon or in connection with the person's conviction and for finally disposing of the case in due course of law as may be made and given; and the noun "sentence" and its other derivatives shall be construed accordingly.

(4) In determining what is a "group II offence" or "group III offence" no regard shall be had to any increase in the punishment or maximum punishment for the offence authorized by law by reason of a previous conviction for any particular offence or offences or for any class or classes of offences.

6. Section 5 of the principal Act is amended—

(a) by inserting immediately below the passage "This Act is divided into parts, as follows:—" the following items:—

PART AI—Preliminary.

PART BI—Appointment to judicial office. ;

(b) by striking out the item—

PART XII—Special equitable jurisdiction of Local Court of Adelaide.

and inserting in lieu thereof the item—

PART XII—Special equitable jurisdiction of local courts. ;

and

(c) by adding below the item—

PART XVII—Protection of officers of local courts, and general matters.

the following items:—

PART XVIII—District criminal courts: Establishment and Administration.

PART XIX—Jurisdiction, powers, practice and procedure of district criminal courts.

PART XX—Presentation for trial.

7. The following section is enacted and inserted in Part AI of the principal Act, as amended by this Act, immediately after section 5 of this Act:—

5a. (1) Any reference in any Act, regulation, rule, by-law or other instrument or in any document to the Local Courts Act, 1926, as amended, shall, after the

Amendment of
principal Act,
s. 5—
Arrangement of
Act.

Enactment of
s. 5a of
principal Act—

Reference to
Local Courts
Act, etc., and
transitional
provisions.

commencement of the Local Courts Act Amendment Act, 1969, and unless the context otherwise requires, be read and construed as a reference to the local court provisions.

(2) A reference in any Act, regulation, rule, by-law or other instrument or in any document having force or effect after the commencement of the Local Courts Act Amendment Act, 1969, to a local court, or Judge or special magistrate of, or sitting as, a local court or to any officer of a local court shall, unless the context otherwise requires, respectively be read and construed, with such adaptations or modifications as circumstances require, as a reference to a local court of full jurisdiction, or Judge or special magistrate of, or sitting as, a local court, or to the corresponding officer of a local court under the local court provisions.

(3) Without limiting the operation or application of section 16 of the Acts Interpretation Act, 1915-1957, as amended, all actions, proceedings, causes and matters commenced under this Act or the Supreme Court Act, 1935-1969, as amended, as in force before the commencement of the Local Courts Act Amendment Act, 1969, and pending or in progress on the date of such commencement shall be continued, completed and enforced as if the Local Courts Act Amendment Act, 1969, had not been enacted.

Enactment of
Part BI of
principal Act,
and heading
thereto.

8. The following Part and heading are enacted and inserted in the principal Act immediately before Part I thereof :—

PART BI.

APPOINTMENT TO JUDICIAL OFFICE.

Appointment
to judicial
office.

5b. (1) The Governor may, as he thinks necessary, appoint to judicial office under this Act, during Her Majesty's pleasure, any fit and proper person qualified for appointment to such office.

(2) A person appointed to judicial office under this section shall, so long as he holds such office, have the rank and style of "Judge".

(3) Subject to this Act, a person shall be qualified for appointment to judicial office under this Act if—

(a) immediately before the commencement of the Local Courts Act Amendment Act, 1969, he was the Local Court Judge or a Temporary Local Court Judge under this Act as in force before such commencement ;

(b) he is an Acting Judge or a Special Magistrate ;

or

(c) he is a legal practitioner as defined in the Legal Practitioners Act, 1936, as amended, who has, for not less than seven years, held a practising certificate issued under that Act.

(4) The Governor shall, as occasion requires, appoint a person appointed to and holding judicial office under this Act to be Senior Judge for the purposes of this Act.

(5) The appointment of a person as Senior Judge may be made at the time of his appointment to judicial office under this Act or at any time after his appointment to such office.

(6) Unless otherwise expressly provided in this Act or any other Act, the Senior Judge and all other persons appointed to and holding judicial office under this Act have, in all respects, equal power, authority and jurisdiction.

(7) Subject to this Act, the Senior Judge has the power and authority to make from time to time, all such administrative and other arrangements for the hearing and disposing of all causes, actions, matters and proceedings that are pending in local courts and district criminal courts, as may be necessary and convenient.

5c. (1) Where the Governor is of the opinion that it is in the interests of justice so to do, he may appoint a fit and proper person who is qualified as provided by subsection (3) of section 5b of this Act to acting judicial office under this Act. Acting
Judge.

(2) A person so appointed to acting judicial office shall, so long as he holds such office, have the rank and style of "Acting Judge".

(3) Unless otherwise expressly provided in this Act or any other Act, a person appointed to and holding acting judicial office under this Act has the same power, authority and jurisdiction as a person appointed to and holding judicial office under this Act.

(4) An Acting Judge shall continue in office as such during Her Majesty's pleasure and, unless his appointment is extended as provided in subsection (5) of this section beyond a period of three months, shall not so continue in office for a period longer than three months.

(5) The Governor may extend the appointment of an Acting Judge for a further period of three months or, successively, for further periods not exceeding, in any case, three months, as he thinks necessary.

**Acting
Senior Judge.**

5d. (1) If the Senior Judge is absent on leave or for any reason is unable to perform the duties of his office, the Governor may appoint a person appointed to and holding judicial office under this Act to be Acting Senior Judge.

(2) The appointment of a person as Acting Senior Judge shall, unless sooner terminated by the Governor, terminate when the Senior Judge returns to the execution of the duties of his office.

(3) Upon the appointment of a person as Acting Senior Judge, all the powers, authorities and duties that appertain under this Act or any other Act to the office of Senior Judge shall appertain to the Acting Senior Judge and, in the event of the omission to make an appointment under subsection (1) of this section, all such powers, authorities and duties shall devolve upon the Judge next in order of seniority.

(4) The order of seniority of Judges, except the Senior Judge, shall be determined by reference to the Commissions by which they were appointed to judicial office under this Act.

Salaries, etc.

5e. (1) The salary of the Senior Judge or Acting Senior Judge shall be at the rate of sixteen thousand five hundred dollars a year and the salary of every Judge or Acting Judge shall be at the rate of fourteen thousand dollars a year.

(2) The salaries shall be paid by the Treasurer out of the general revenue of the State on the warrant of the Governor which the Governor is hereby authorized and required to issue from time to time.

(3) All fees payable under this Act shall be paid to the Treasurer in aid of the general revenue of the State.

**Retirement
from judicial
office.**

5f. (1) A person appointed to judicial office or acting judicial office under this Act shall, except as provided in this Act, retire from such office on attaining the age of seventy years.

(2) A Judge or Acting Judge may continue in office as such after attaining the age of seventy years in order to continue and complete the hearing and determination of any proceedings or matter partly heard by him before attaining that age, and while so continuing such hearing, shall be deemed to continue to hold judicial office or acting judicial office, as the case may be.

(3) It shall not be lawful for the Governor to remove from office any person under the age of seventy years who is holding judicial office under this Act except upon the address of both Houses of the Parliament of South Australia.

5g. (1) A person appointed to and holding judicial office may, by notice in writing given to the Treasurer, elect to contribute for a pension under this Act. Election for pension.

(2) A notice referred to in subsection (1) of this section must be given within three months after the person's appointment to judicial office, but the Treasurer may accept from a person a notice given at any time after the time prescribed by this subsection.

(3) Where the Treasurer accepts from a person a notice given by that person after the time prescribed by subsection (2) of this section, contributions for pension shall be payable by that person as if the notice had been given by him to the Treasurer on the last day on which it ought to have been given under subsection (2) of this section and his contributions for the period prior to the acceptance of the notice shall be payable to the Treasurer forthwith after that notice is given, or in such instalments as the Treasurer may approve.

(4) A person who, at the time of his appointment to judicial office under this Act, is a contributor to the South Australian Superannuation Fund under the Superannuation Act, 1926-1967, as amended, shall not be entitled to continue to contribute to that Fund or to be entitled to a pension under that Act, but shall be entitled to a refund of the actual amount of contributions made by him to that Fund.

5h. (1) A person who has elected to contribute for a pension under this Act shall, in each month, pay to the Treasurer in aid of the general revenue of the State a contribution equal to the prescribed percentage of his salary for that month. Contribution for pension.

(2) The prescribed percentage of a person's salary, for the purposes of this section, depends on his age at the time when he commences to contribute for a pension under this Act and shall be calculated in accordance with the following table :—

Table of Contributions.

Age at time of commencing to contribute for pension.	Prescribed percentage of salary to be contributed each month.
Under 55 years	5.0
Not under 55 years but under 56 years	5.2
Not under 56 years but under 57 years	5.4
Not under 57 years but under 58 years	5.7
Not under 58 years but under 59 years	6.0
Not under 59 years but under 60 years	6.3
Not under 60 years but under 61 years	6.6
Not under 61 years but under 62 years	7.0
Not under 62 years but under 63 years	7.4
Not under 63 years but under 64 years	7.8
Not under 64 years but under 65 years	8.3

(3) A person who elects to contribute for a pension under this Act shall pay contributions in relation to the period commencing on the first day of the month in which the election is made and ending on the last day of the month preceding the month in which he attains the age of seventy years or in which he retires before attaining that age, but, in the case of a person who is under the age of sixty-five years at the time of his appointment but makes his election to contribute after attaining that age, the period in relation to which he shall pay contributions shall commence on the day following the sixty-fifth anniversary of his birthday.

Benefits to contributors.

5i. (1) Where a person has paid contributions as provided by section 5h of this Act, then, subject to this section—

(a) he shall, if he retires on account of his being disabled, by permanent invalidity or infirmity,

from the performance of his duties, or on account of his having attained the age of seventy years, be entitled to a pension for life at the annual rate of one half of the annual rate of his salary at the time of his retirement ;

- (b) his widow shall, if he died before retirement, be entitled to a pension for life at the annual rate of one-quarter of the annual rate of his salary immediately before his death ; but if she remarries, her pension under this paragraph shall thereupon cease and determine ;
- (c) his personal representatives shall, if he died before retirement without leaving a widow, be entitled to be paid an amount equivalent to the amount of the contributions paid by him ;
- (d) his widow shall, if he married her before, but died after, retirement, be entitled to a pension for life at the annual rate of one-quarter of the annual rate of his salary immediately before his retirement ; but if she remarries, her pension under this paragraph shall thereupon cease and determine ;

and

- (e) he shall, if he retires in any circumstances other than those mentioned in paragraph (a) of this subsection, be entitled to a refund of the amount of the contributions paid by him, but his widow shall not, on his death after such retirement, be entitled to a pension.

(2) If a pension payable to a widow under paragraph (b) or paragraph (d) of subsection (1) of this section ceases and determines upon her remarriage, and if she subsequently again becomes a widow, the pension payable to her before her remarriage shall again become payable to her whilst she remains unmarried : But if—

- (a) the widow of a deceased contributor or the widow of a deceased pensioner marries another person who is a contributor, and again becomes a widow on the death of that other person, either before or after his retirement ;

and

- (b) that other person was immediately before his death contributing for a pension greater than that of her previous husband,

her pension shall be based upon that for which that other person was so contributing.

Pensions, etc.,
to be paid
out of
general
revenue.

5j. (1) Pensions payable under this Act shall accrue from day to day and shall be paid monthly.

(2) Pensions and other sums payable under section 5i of this Act shall be paid by the Treasurer out of the general revenue of the State on the warrant of the Governor which the Governor is hereby authorized and required to issue from time to time.

Leave of
absence.

5k. A person appointed to and holding judicial office under this Act shall be entitled to be granted, and the Governor may grant him, leave of absence as if he were a Judge of the Supreme Court.

Local Court
Judges and
Recorders.

5l. A Judge or an Acting Judge shall, when exercising jurisdiction or performing any duty or function under the local court provisions, exercise such jurisdiction or perform that duty or function as a Local Court Judge and shall, when exercising jurisdiction or performing any duty or function under the district criminal court provisions, exercise such jurisdiction or perform that duty or function as a Recorder.

Amendment of
principal Act,
s. 6—
Continuance
of local
courts
already
established.

9. Section 6 of the principal Act is amended by inserting after the word "hereof", being the last word of subsection (1), the passage "and every local court in existence at the commencement of the Local Courts Act Amendment Act, 1969, whether it is a local court of full jurisdiction or limited jurisdiction, or both, shall also be a local court of special jurisdiction".

Amendment of
principal Act,
s. 7—
Establishment
of additional
courts.

10. Section 7 of the principal Act is amended by striking out from subsection (1) the passage "full and limited jurisdiction, or limited jurisdiction only," and inserting in lieu thereof the passage "full, limited and special jurisdiction, or limited and special jurisdiction, or special jurisdiction only,".

Repeal of
s. 8 of
principal Act
and enactment
of sections
in its place—

11. Section 8 of the principal Act is repealed and the following sections are enacted and inserted in its place :—

Abolition
of local
court
districts.

8. All local court districts in existence at the commencement of the Local Courts Act Amendment Act, 1969, are abolished.

Powers of
Governor
with respect
to local
courts.

8a. The Governor may—

(a) by notice in writing published in the *Gazette*, appoint offices for local courts and the places at which such offices shall be situated, and the times and days during which they shall be open ;

and

- (b) by proclamation extend or limit, subject to the provisions of sections 31 and 32 of this Act, the jurisdiction of, any local court or alter the place, day, or period of holding the same, or the place at which any local court or the office of any local court shall be situated or the times and days during which such office shall be open.

12. Section 12 of the principal Act is amended by striking out the passage "this Act and the Public Service Act, 1936" and inserting in lieu thereof the passage "the local court provisions and the Public Service Act, 1967, as amended, or any corresponding previous enactment".

Amendment of principal Act, s. 12—
Present special magistrates, clerks, and bailiffs continued in office.

13. Section 13 of the principal Act is repealed.

Repeal of s. 13 of principal Act.

14. Section 15 of the principal Act is amended—

- (a) by striking out the word "common";
- (b) by striking out the passage "this Act" and inserting in lieu thereof the passage "the local court provisions";
- (c) by inserting after the passage "Prisons Act, 1936," the passage "as amended,";

Amendment of principal Act, s. 15—
Governor may appoint gaols for imprisonment under warrant of local court.

and

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

(2) In this section—

"gaol" includes prison.

15. Section 16 of the principal Act is amended by striking out from subsection (3) the passage "Public Service Act, 1936-1959" and inserting in lieu thereof the passage "Public Service Act, 1967, as amended".

Amendment of principal Act, s. 16—
Appointment of officers.

Repeal of
s. 21 of
principal Act
and enactment
of section
in its place—
Constitution
of court.

16. Section 21 of the principal Act is repealed and the following section is enacted and inserted in its place :—

21. (1) All actions and matters cognizable under the local court provisions by a local court of full jurisdiction shall be heard and determined in open court in a summary way by and before a Judge.

(2) All actions and matters cognizable under the local court provisions by a local court of limited jurisdiction shall be heard and determined in open court in a summary way by and before a Judge or a special magistrate.

(3) All matters cognizable under the local court provisions by a local court of special jurisdiction shall be heard and determined in open court in a summary way by and before a Judge, a special magistrate, two justices, or a special justice.

(4) Several Judges, special magistrates and justices or any number of them may sit contemporaneously in different places as the same local court for the hearing and determination of actions, matters and proceedings pending in that court.

Repeal of
s. 22 of
principal Act.

17. Section 22 of the principal Act is repealed.

Repeal of
s. 23 of
principal Act
and enactment
of section
in its place—

Special
provisions for
constitution of
local court
of special
jurisdiction.

18. Section 23 of the principal Act is repealed and the following section is enacted and inserted in its place :—

23. Notwithstanding the provisions of section 21 of this Act, if at any place where it is desired to hold a local court of special jurisdiction there is a special magistrate or a special justice who is competent and willing to act, that local court of special jurisdiction shall be constituted of the special magistrate or the special justice and not of two justices.

Repeal of
s. 24 of
principal Act
and enactment
of section in
its place—

Jurisdiction
by consent
where court
defective
owing to
absence of
a member.

19. Section 24 of the principal Act is repealed and the following section is enacted and inserted in its place :—

24. (1) Any special magistrate shall have power to hear and determine any action or claim that a Judge has power to hear and determine if the parties to the action or claim in person or by solicitor consent thereto in writing.

(2) A consent referred to in subsection (1) of this section shall become effective upon its being filed in court and, upon being so filed, shall not be revocable.

(3) If such consent is not obtained, or if there is no Judge or Acting Judge available to hear and determine the action or claim, the clerk of the court shall adjourn the case to a convenient day and enter in the minute book a memorandum of the adjournment and the cause of it.

20. Section 25 of the principal Act is amended—

Amendment of
principal Act,
s. 25—

(a) by striking out the passage “this Act” wherever it occurs in subsection (1) and inserting in lieu thereof the passage “the local court provisions” ;

Powers and
duties of
Judge and
special
magistrate.

(b) by striking out paragraph I of subsection (1) ;

(c) by striking out paragraph VIII of subsection (1) and inserting in lieu thereof the following paragraph:—

VIII. He may, in the case of an interlocutory summons issued out of a local court, make the summons returnable to be heard by him or any Judge or special magistrate at such place and at such time, and upon such terms as to costs or otherwise, as he thinks proper ; ;

and

(d) by striking out subsection (2).

21. Section 26 of the principal Act is amended—

Amendment of
principal Act,
s. 26—

(a) by striking out from subsection (2) the passage “the following specific duties” and inserting in lieu thereof the passage “such of the following specific duties as are applicable to him” ;

Duties of
clerk.

(b) by striking out the passage “this Act” firstly occurring in paragraph VII of subsection (2) and inserting in lieu thereof the passage “the local court provisions” ;

(c) by striking out the passage “by this Act required” in paragraph VII of subsection (2) and inserting in lieu thereof the passage “required by those provisions” ;

and

(d) by inserting after the passage “Audit Act, 1921” in paragraph XIV of subsection (2) the passage “, as amended”.

Amendment of
principal Act,
s. 27—
Duties of
bailiff.

22. Section 27 of the principal Act is amended by striking out from subsection (1) the passage “the local Court Judge” and inserting in lieu thereof the passage “a Judge”.

Amendment of
principal Act,
s. 28—
Power to make
rules of
court.

23. Section 28 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Local Court Judge or any special magistrate” and inserting in lieu thereof the passage “Senior Judge or any other Judge”;

(b) by striking out from subsection (1) the passage “this Act” and inserting in lieu thereof the passage “the local court provisions”;

and

(c) by inserting after subsection (3) the following subsection:—

(4) All valid rules made under subsection (1) of this section as in force immediately prior to the commencement of the Local Courts Act Amendment Act, 1969, shall be valid and effectual and continue to have force and effect until varied or revoked under this section, notwithstanding that they were not made under this section as amended by that Act or subsequent Acts.

Amendment of
principal Act,
s. 30—
Forms may be
altered.

24. Section 30 of the principal Act is amended by striking out the passage “provisions of this Act” and inserting in lieu thereof the passage “local court provisions”.

Amendment of
principal Act,
s. 31—
Jurisdiction
of courts
of full
jurisdiction.

25. Section 31 of the principal Act is amended by striking out the passage “two thousand five hundred dollars” wherever it occurs therein and inserting in lieu thereof in each case the passage “eight thousand dollars”.

Amendment of
principal Act,
s. 32—
Jurisdiction
of courts of
limited
jurisdiction.

26. Section 32 of the principal Act is amended—

(a) by striking out the passage “Subject to the provisions of section 21 of this Act”;

and

(b) by striking out the passage “two hundred dollars” wherever it occurs therein and inserting in lieu thereof in each case the passage “two thousand five hundred dollars”.

27. The following sections are enacted and inserted in the principal Act immediately after section 32 thereof:—

32a. Notwithstanding anything contained in section 31 of this Act, that section shall apply to and in relation to any personal action or claim in tort for damages in respect or arising out of—

(a) the death of, or bodily injury to, a person ;

or

(b) the loss of or damage to, property,

where the damages have resulted from an accident that—

(c) arose from the use of a vehicle ;

and

(d) was caused or contributed to by negligence or nuisance on the part of the defendant,

and for the purposes of its application to and in relation to any such action or claim that section shall have effect as if the passage “eight thousand dollars” in paragraph 1 thereof were read as “ten thousand dollars”.

32b. A local court of special jurisdiction shall have jurisdiction to hear and determine any unsatisfied judgment summons, whatever the amount of the judgment might be.

28. Section 33 of the principal Act is amended by inserting after the word “court” firstly occurring therein the passage “of full jurisdiction or limited jurisdiction”.

29. The following sections are enacted and inserted in the principal Act immediately after section 35 thereof:—

35a. In the hearing and determination of any action duly instituted in a local court, law and equity shall be administered by the court in accordance with this Act.

35b. A local court shall recognize and take notice of all equitable estates, titles, and rights, and all equitable duties and liabilities appearing incidentally in the course of any cause or matter pending before it, in the same manner in which a court having equitable jurisdiction would formerly have recognized and taken notice of the same in any suit or proceeding duly instituted therein.

35c. (1) No action or proceeding at any time pending in a local court shall be restrained by prohibition or injunction, but every matter of equity on which an unconditional injunction against the prosecution of any such action or proceeding might formerly have been obtained may be relied on by way of defence.

Enactment of
ss. 32a and
32b of
principal Act—

Application
of ss. 31
and 32 to
cases
arising
from the
use of a
vehicle.

Jurisdiction
of local
court of
special
jurisdiction.

Amendment of
principal Act,
s. 33—
Court to have
jurisdiction
to any amount
by consent.

Enactment of
ss. 35a to
35f of
principal Act—

Law and
equity to be
administered
as provided
in this Act.

Equities
appearing
incidentally

Defence
instead of
injunction or
prohibition.

(2) Nothing in this Act shall disable a local court, if it thinks fit, from directing a stay of proceedings in any action or proceeding pending before it.

Common law
and statutory
rights and
duties.

35d. Subject to the provisions of this Act for giving effect to equitable rights and other matters of equity, every local court shall recognize and give effect to all legal claims and demands and all estates, titles, rights, duties, obligations and liabilities existing by the common law, or by any custom, or created by or under any Act.

Local court
to do complete
justice in
cause so as
to avoid
multiplicity
of suits.

35e. A local court in every cause or matter pending before it shall have power to grant, and shall grant, either absolutely, or on such reasonable terms and conditions as it deems just, all such remedies whatsoever as any of the parties thereto may appear to be entitled to in respect of every claim properly brought forward by them respectively, in such cause or matter, so that, as far as possible, all matters so in controversy between the parties may be completely and finally determined, and all multiplicity of legal proceedings concerning any of such matters avoided.

Application
of ss. 30a
and 30b
of the
Supreme Court
Act extended
to this Act.

35f. Without limiting the application of sections 30a and 30b of the Supreme Court Act, 1935-1969, as amended, the provisions of those sections are extended and shall apply and have effect as if those sections were expressly enacted in this Act and as if any reference in those sections—

- (a) to a court were a reference to a local court ;
- (b) to a judge were a reference to a Local Court Judge or an Acting Judge ;
- and
- (c) to any Act were a reference to that Act, as amended.

Amendment of
principal Act,
s. 39—
Exceptions
from
jurisdiction.

30. Section 39 of the principal Act is amended by striking out subsection (1).

Amendment of
principal Act,
s. 40—
Supreme Court
may order
certain
actions to
be tried in
local courts.

31. Section 40 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “two thousand five hundred dollars” twice occurring in that subsection and inserting in lieu thereof in each case the passage “the amount that is the local court jurisdictional limit” ;
- and
- (b) by striking out from subsection (1) the passage “of full jurisdiction” twice occurring in that subsection.

32. Section 41 of the principal Act is amended by striking out from subsection (1) the passage "two thousand five hundred dollars" and inserting in lieu thereof the passage "the amount that is the local court jurisdictional limit".

Amendment of principal Act, s. 41—
Amount claimed in Supreme Court reduced by payment into court.

33. Section 42 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 42—
Costs where plaintiff sues in Supreme Court.

(1) Except where the action has been removed into the Supreme Court by the defendant, in any action in the Supreme Court for any cause of a kind that is within the jurisdiction of a local court, where—

(a) the plaintiff recovers a sum in an action founded on contract or on a quasi-contractual obligation that does not exceed the amount of the local court jurisdictional limit;

or

(b) the plaintiff recovers in an action founded on tort a sum that does not exceed one-fifth of the amount of the local court jurisdictional limit,

the plaintiff shall have judgment to recover that sum only and no costs, unless the Judge trying the action or, if there was no trial, a Judge of the Supreme Court in chambers otherwise orders.

34. Section 50 of the principal Act is amended by striking out the passage "or the special magistrate" and inserting in lieu thereof the passage " , or on the Judge or the special magistrate".

Amendment of principal Act, s. 50—
Service of order.

35. Section 57 of the principal Act is amended—

(a) by striking out from subsection (1) the word "Supreme" and inserting in lieu thereof the word "Full";

and

(b) by striking out the word "Supreme" firstly occurring in subsection (2) and inserting in lieu thereof the word "Full".

Amendment of principal Act, s. 57—
Reservation of question of law for full Court.

36. Section 58 of the principal Act is amended—

(a) by striking out from paragraphs (a), (b), (c) and (d) of subsection (1) the passage "sixty dollars" and inserting in lieu thereof in each case the passage "two hundred dollars".

(b) by striking out from subsection (1) the passage "appeal to the Supreme Court" and inserting in lieu thereof the passage " , subject to the rules of court made under section 28 of this Act and under section 72 of the Supreme Court Act, 1935-1969, appeal to the Full Court".

Amendment of principal Act, s. 58—
Appeal to Full Court.

(c) by inserting after the word "magistrate" wherever it occurs in subsection (2) the passage "or justices or special justices" ;

(d) by striking out the word "Supreme" secondly occurring in subsection (2) and inserting in lieu thereof the word "Full" ;

and

(e) by inserting after subsection (2) the following subsection :—

(3) Notwithstanding that in any action or proceedings the amount referred to in paragraph (a), (b), (c) or (d) of subsection (1) of this section does not exceed two hundred dollars, any party referred to in subsection (1) of this section may, upon obtaining leave of the Full Court, in such special circumstances as the Full Court thinks fit, appeal to the Full Court.

Repeal of ss.
60 to 62 of
principal Act.

37. Sections 60, 61 and 62 of the principal Act are repealed.

Amendment of
principal Act,
s. 63—
Powers of Full
Court on
hearing of
appeal.

38. Section 63 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "Supreme Court or Judge hearing the appeal" and inserting in lieu thereof the passage "Full Court" ;

(b) by striking out paragraph (f) of subsection (1) and inserting in lieu thereof the following paragraph :—

(f) amend the grounds of appeal or of any cross-appeal ;

(c) by striking out from subsection (1) the passage commencing with the words "Where the appeal" and ending with the words "in the first instance" ;

(d) by striking out subsection (2) and inserting in lieu thereof the following subsection :—

(2) If the Full Court is of opinion that, although any ruling, direction, judgment, determination or order objected to may not have been strictly according to law, yet substantial justice has been done between the parties, the Full Court shall discharge the order with or without costs, and if the Full Court is of opinion that, although there has been a substantial wrong or miscarriage of justice, such wrong or miscarriage affects part only of the matter in controversy, the Full Court may allow the appeal with regard to such part, and dismiss it as to the other part, with or without costs. ;

(e) by striking out from subsection (3) the passage "Supreme Court or such Judge" and inserting in lieu thereof the passage "Full Court";

and

(f) by striking out from subsection (3) the passage "Supreme Court Act, 1878" and inserting in lieu thereof the passage "Supreme Court Act, 1935-1969, as amended".

39. Section 64 of the principal Act is amended—

(a) by striking out the passage "to the Supreme Court or any Judge thereof" and inserting in lieu thereof the passage "under this Part";

and

(b) by inserting after the word "magistrate" the passage "or the justices or special justice".

Amendment of
principal Act,
s. 64—
Signed copy of
evidence, etc.,
to be used
on appeal.

40. Section 66a of the principal Act is amended by striking out the word "Supreme" where it occurs in subsection (2) and subsection (3) and inserting in lieu thereof in each case the word "Full".

Amendment of
principal Act,
s. 66a—
Power of
parties to
waive rights
of appeal.

41. The following section is enacted and inserted in the principal Act immediately after section 71 thereof:—

Enactment of
s. 71a of
principal Act—

71a. Where an action is brought—

(a) vexatiously and oppressively;

or

(b) against a person who is not liable on the plaintiff's claim and without proper precaution to ensure—

(i) that that person is the person to whom the claim properly relates;

or

(ii) that the debt the subject matter of the claim had not been paid or satisfied prior to such action being brought,

the court or a Judge or special magistrate may, notwithstanding the discontinuance or termination of the action, order the plaintiff to pay to the person against whom the action was brought such sum, in addition to costs, as the court, Judge or special magistrate deems necessary adequately to compensate that person for the injury, embarrassment, inconvenience and expense, if any, that he has suffered or incurred in consequence of the action.

Vexatious
proceedings.

42. Section 80 of the principal Act is amended by striking out from paragraph (b) of subsection (3) the passage "Service and Execution of Process Act, 1901-1953" and inserting in lieu thereof the passage "*Service and Execution of Process Act 1901-1953 as amended*".

Amendment of
principal Act,
s. 80—
Plaintiff
to furnish
names of
parties and
particulars.

Repeal of
ss. 84 and
86 of
principal Act.
Amendment of
principal Act,
s. 87—
Lunatics.

43. Sections 84 and 86 of the principal Act are repealed.

44. Section 87 of the principal Act is amended by striking out the passage "Mental Defectives Act, 1935," and inserting in lieu thereof the passage "Mental Health Act, 1935-1967, as amended,".

Amendment of
principal Act,
s. 88—
Consent of
persons under
disability.

45. Section 88 of the principal Act is amended by striking out the passage "Mental Defectives Act, 1935," and inserting in lieu thereof the passage "Mental Health Act, 1935-1967, as amended,".

Amendment of
principal Act,
s. 93—
Summons may
be served out
of the State.

46. Section 93 of the principal Act is amended by striking out from subsection (5) the passage "Commonwealth Service and Execution of Process Act, 1901-1922, or any Act amending the same or" and inserting in lieu thereof the passage "Commonwealth Act known as the *Service and Execution of Process Act* 1901-1953 as amended, or any Act".

Amendment of
principal Act,
s. 98—
Mode and
effect of
appearance.

47. Section 98 of the principal Act is amended by inserting after subsection (5) the following subsection :—

(6) Where the amount claimed or sought to be recovered, whether by claim or counter-claim, exceeds two thousand five hundred dollars, this section shall have effect subject to such directions with respect to the pleadings or further pleadings as the court thinks fit and to rules of court, if any.

Amendment of
principal Act,
s. 105—
Equitable
defence may be
availed of
in local court.

48. Section 105 of the principal Act is amended by inserting after the word "action" the passage "in a local court".

Amendment of
principal Act,
s. 106—
Defendant not
to appear
without
affidavit of
good defence
when special
summons
issued.

49. Section 106 of the principal Act is amended by striking out from subsection (2) the passage "The Local Court Judge" and inserting in lieu thereof the passage "A Judge".

Amendment of
principal Act,
s. 108—
When not final,
damages to be
assessed.

50. Section 108 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections :—

(2) If the defendant does not enter an appearance in an action and the claim is, or includes a claim, for damages for injury to property, the plaintiff may apply to a Judge or special magistrate in chambers for leave to sign judgment for the damages for injury to property.

(3) The application shall be by interlocutory summons supported by affidavit and the interlocutory summons and all affidavits to be used at the hearing of the application shall be served on the defendant and shall be accompanied by a notice in the prescribed form.

(4) The Judge or special magistrate, if satisfied that for reasons of cost or convenience an assessment of the claim for damages for injury to property or any part thereof is unnecessary or inexpedient, may grant leave to the plaintiff to sign judgment for the damages for injury to property, or for such part thereof as he thinks proper, and shall direct that the action proceed for assessment of damages in respect of any part of the claim not included in the order for leave to sign judgment.

51. Section 114 of the principal Act is amended by striking out from subsection (1) the passage "or under Part XII".

Amendment of principal Act, s. 114—
In what court actions to be commenced.

52. Section 117 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "the Local Court Judge" and inserting in lieu thereof the passage "a Judge";

and

(b) by striking out from subsection (2) the passage "Local Court Judge" and inserting in lieu thereof the passage "Judge".

Amendment of principal Act, s. 117—
If objection not sustained.

53. Section 128 of the principal Act is amended—

(a) by striking out the passage "to the Supreme Court the Judge or special magistrate before whom" and inserting in lieu thereof the passage "under Part V of this Act the court before which";

and

(b) by striking out from paragraph (c) the word "him" and inserting in lieu thereof the passage "the Judge, special magistrate, justices or justice by whom the court is constituted".

Amendment of principal Act, s. 128—
Evidence in appealable action to be taken down in writing and certain notes to be taken.

54. Section 135 of the principal Act is repealed and the following section is enacted and inserted in its place :—

135. (1) A party to an action or proceeding in a local court or a practitioner of the Supreme Court entitled to practise may appear to conduct the action or proceeding.

(2) Notwithstanding subsection (1) of this section, an articled law clerk, acting on the instructions of his principal, or a person admitted to practise as a legal practitioner but not holding a current practising certificate, who is employed by a legal practitioner entitled to practise, may appear to conduct any action or proceeding in a local court of limited jurisdiction or a local court of special jurisdiction.

Repeal of s. 135 of principal Act and enactment of section in its place—
Who may appear at hearing.

Amendment of
principal Act,
s. 140—

In case of
insolvency of
plaintiff,
action not
to abate if
trustees elect
to proceed.

55. Section 140 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “Bankruptcy Act, 1924-1933” and inserting in lieu thereof the passage “*Bankruptcy Act 1966*, as amended”;

and

(b) by inserting after the word “Commonwealth” in subsection (1) the passage “or any corresponding previous enactment”.

Amendment of
principal Act,
s. 156—

Warrant to
sell.

56. Section 156 of the principal Act is amended by striking out from subsection (1) the passage “The Real Property Act, 1886,” and inserting in lieu thereof the passage “the Real Property Act, 1886-1969”.

Amendment of
principal Act,
s. 173—

Party arrested
to be
discharged on
payment.

57. Section 173 of the principal Act is amended by striking out the passage “this Act” and inserting in lieu thereof the passage “the local court provisions”.

Amendment of
principal Act,
s. 175—

Summons on
unsatisfied
judgment.

58. Section 175 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage “, from the Local Court of Adelaide”.

Amendment of
principal Act,
s. 180—

Imprisonment
not to
satisfy or
extinguish
judgment.

59. Section 180 of the principal Act is amended by striking out the passage “this Act” wherever it occurs therein and inserting in lieu thereof in each case the passage “the local court provisions”.

Amendment of
principal Act,
s. 200—

Deposits to
bailiffs of
country local
courts may be
made to the
clerk of
local court
at Adelaide.

60. Section 200 of the principal Act is amended by striking out the passage “the local court of Adelaide” and inserting in lieu thereof the passage “a local court within the City of Adelaide”.

Amendment of
principal Act,
s. 216—

Proceedings
for recovery
of premises and
rent when term
has expired or
been
determined by
notice.

61. Section 216 of the principal Act is amended by striking out from subsection (1) the passage “one thousand and sixty dollars” and inserting in lieu thereof the passage “two thousand one hundred and twenty dollars”.

Amendment of
principal Act,
s. 228—

Proceedings in
action for
recovery of
possession
when rent is
one half-year
in arrear.

62. Section 228 of the principal Act is amended by striking out from subsection (1) the passage “one thousand and sixty dollars” and inserting in lieu thereof the passage “two thousand one hundred and twenty dollars”.

63. Section 230 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage “The Real Property Act, 1886” and inserting in lieu thereof the passage “the Real Property Act, 1886-1969”;

and

- (b) by striking out the passage “eight thousand dollars” where it occurs in subsection (1) and subsection (3) and inserting in lieu thereof in each case the passage “ten thousand dollars”.

Amendment of principal Act, s. 230—
Proceedings on ejectment where land is under Real Property Act.

64. Section 257 of the principal Act is amended by inserting after the word “Act” the passage “comprising the local court provisions”.

Amendment of principal Act, s. 257—
All local court provisions to extend to ejectment.

65. The heading to Part XII of the principal Act is amended by striking out the passage “LOCAL COURT OF ADELAIDE” and inserting in lieu thereof the passage “LOCAL COURTS”.

Amendment of heading to Part XII of principal Act.

66. Section 259 of the principal Act is amended—

- (a) by striking out the passage “The Local Court of Adelaide of Full Jurisdiction” and inserting in lieu thereof the passage “A local court of full jurisdiction”;
- (b) by striking out from paragraphs I and II the passage “two thousand five hundred dollars” and inserting in lieu thereof in each case the passage “eight thousand dollars”;
- (c) by striking out from paragraph III the passage “one thousand dollars” and inserting in lieu thereof the passage “eight thousand dollars”;
- (d) by striking out from paragraph IV the passage “two thousand five hundred dollars” and inserting in lieu thereof the passage “eight thousand dollars”;
- (e) by striking out from paragraph V the passage “eight thousand dollars” and inserting in lieu thereof the passage “ten thousand dollars”;
- (f) by striking out from paragraphs VI and VII the passage “two thousand five hundred dollars” and inserting in lieu thereof in each case the passage “eight thousand dollars”;
- (g) by striking out from paragraph VIII the passage “the Local Court of Adelaide of Full Jurisdiction” and inserting in lieu thereof the passage “any local court of full jurisdiction”;
- (h) by striking out from paragraph VIII the passage “the said” and inserting in lieu thereof the word “any”;

Amendment of principal Act, s. 259—
Extent of special jurisdiction.

- (i) by striking out from paragraph IX the passage "two thousand five hundred dollars" and inserting in lieu thereof the passage "eight thousand dollars";
- (j) by striking out from paragraph X the passage "eight thousand dollars" and inserting in lieu thereof the passage "ten thousand dollars";
- (k) by striking out from paragraphs X and XI the passage "one thousand and sixty dollars" and inserting in lieu thereof the passage "two thousand one hundred and twenty dollars";
- (l) by striking out from paragraph XII the passage "two thousand five hundred dollars" and inserting in lieu thereof the passage "eight thousand dollars";

and

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

(2) Nothing in paragraph VIII of subsection (1) of this section shall derogate from any jurisdiction, power or authority conferred on a local court by any other provision of the local court provisions.

Amendment of
principal Act,
s. 260—
Powers of
Judges.

67. Section 260 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "this Act" firstly occurring and inserting in lieu thereof the passage "the local court provisions";
- (b) by striking out from subsection (1) the passage "this Act" secondly occurring and inserting in lieu thereof the passage "those provisions";

and

- (c) by striking out from subsection (3) the passage "this Act" and inserting in lieu thereof the passage "the local court provisions".

Amendment of
principal Act,
s. 263—
Actions may be
transferred
from Supreme
Court to local
court.

68. Section 263 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "in the Local Court of Adelaide of Full Jurisdiction";

and

- (b) by striking out the passage "the Local Court of Adelaide of Full Jurisdiction" secondly occurring in subsection (1) and inserting in lieu thereof the passage "a local court referred to in section 114 of this Act, being an appropriate local court".

- 69.** Section 264 of the principal Act is amended by striking out the passage “the Local Court of Adelaide of Full Jurisdiction” and inserting in lieu thereof the passage “the local court”.
- 70.** Section 265 of the principal Act is amended—
- (a) by striking out from subsection (1) the passage “Local Court of Adelaide of Full Jurisdiction” and inserting in lieu thereof the passage “court hearing the action” ;
- and
- (b) by striking out from subsection (2) the passage “Local Court of Adelaide of Full Jurisdiction” and inserting in lieu thereof the passage “court hearing the action”.
- 71.** Section 266 of the principal Act is repealed and the following section is enacted and inserted in its place :—
266. The several rules of law enacted by the Supreme Court Act, 1935, as amended, shall be in force and shall be given effect in the local court exercising jurisdiction under this Part ; but nothing in this section shall derogate from any other provision of the local court provisions.
- 72.** Section 267 of the principal Act is amended by striking out the passage “this Act and any rules of court made hereunder” and inserting in lieu thereof the passage “the local court provisions and any rules of court made thereunder”.
- 73.** Section 268 of the principal Act is amended by striking out the passage “this Act” where it occurs in subsection (1) and subsection (2) and inserting in lieu thereof in each case the passage “the local court provisions”.
- 74.** Section 269 of the principal Act is amended by striking out the passage “this Act” and inserting in lieu thereof the passage “the local court provisions”.
- 75.** Section 271 of the principal Act is amended by striking out from paragraph (a) the passage “forty dollars” and inserting in lieu thereof the passage “one hundred dollars”.

Amendment of principal Act, s. 264—
Power to enforce judgments in equity jurisdiction.

Amendment of principal Act, s. 265—
When amount of subject matter exceeds limit of local court jurisdiction action may be remitted to the Supreme Court.

Repeal of s. 266 of principal Act and enactment of section in its place—

Application of Supreme Court Act, 1935, as amended.

Amendment of principal Act, s. 267—
Discovery.

Amendment of principal Act, s. 268—
Procedure.

Amendment of principal Act, s. 269—
Judge may give special directions as to procedure.

Amendment of principal Act, s. 271—
Creditor to whom debt is due may obtain warrant for arrest.

Amendment of
principal Act,
s. 276—
Debtor lodged
in gaol on
unsatisfied
judgment.

76. Section 276 of the principal Act is amended by striking out from the proviso the passage “the Local Court Judge” and inserting in lieu thereof the passage “a Local Court Judge”.

Amendment of
principal Act,
s. 277—
Procedure
where debtor
claims to be
brought before
court.

77. Section 277 of the principal Act is amended by striking out from subsection (1) the passage “the local court judge” and inserting in lieu thereof the passage “a Local Court Judge”.

Amendment of
principal Act,
s. 292—
Practice to
be same as in
Supreme Court.

78. Section 292 of the principal Act is amended by striking out the passage “this Act” and inserting in lieu thereof the passage “the local court provisions”.

Amendment of
principal Act,
s. 295—
Practitioners
entitled to
costs according
to certain
scale.

79. Section 295 of the principal Act is amended by striking out subsection (1) and inserting the following subsection in lieu thereof :—

(1) As between party and party, costs and charges payable in respect of the services of practitioners of the Supreme Court shall be as prescribed by rules of court and such costs and charges shall, where the amount of the claim does not exceed two thousand five hundred dollars, be taxed by the clerk of the court in which such costs and charges were incurred, but where the amount of the claim exceeds two thousand five hundred dollars, by a special magistrate but the taxation may be reviewed, on the application of either party where the clerk taxes the costs and charges, by a Judge or special magistrate, and, where a special magistrate taxes the costs and charges, by a Judge.

Repeal of
s. 296 of
principal Act
and enactment
of section in
its place—

Costs as
between
solicitor and
client.

80. Section 296 of the principal Act is repealed and the following section is enacted and inserted in its place :—

296. (1) All costs and charges as between solicitor and client may, where the amount of the claim does not exceed two thousand five hundred dollars, be taxed by the clerk of the court in which such costs and charges were incurred, but where the amount of the claim exceeds two thousand five hundred dollars, by a special magistrate but the taxation may be reviewed, on the application of the solicitor or client where the clerk taxes the costs and charges, by a Judge or special magistrate, and, where a special magistrate taxes the costs and charges, by a Judge.

(2) The costs or charges to be allowed on such taxation shall be such as are authorized by rules of court.

(3) Subsection (2) of this section does not apply where there is an agreement in writing signed by or on behalf of the client to pay costs and charges in excess of those authorized by the rules, nor where, pursuant to a certificate given under subsection (2) of section 295 of this Act, the client is entitled as between party and party to costs in excess of those so authorized.

81. Section 297 of the principal Act is amended by striking out from paragraph (a) the passage "this Act" and inserting in lieu thereof the passage "the local court provisions".

Amendment of principal Act, s. 297—
Certain acts to be felonies.

82. Section 298 of the principal Act is repealed.

Repeal of s. 298 of principal Act.

83. Section 299 of the principal Act is amended by striking out from paragraph (b) the passage "this Act" and inserting in lieu thereof the passage "the local court provisions".

Amendment of principal Act, s. 299—
Person giving false evidence to be guilty of perjury.

84. Section 300 of the principal Act is amended by striking out from paragraph (a) the word "are" and inserting in lieu thereof the word "is".

Amendment of principal Act, s. 300—
Local court may fine or imprison for contempt of court.

85. Section 303 of the principal Act is amended—

(a) by striking out the passage "this Act" firstly occurring therein and inserting in lieu thereof the passage "the local court provisions";

Amendment of principal Act, s. 303—

Penalty on taking fees besides those allowed.

and

(b) by striking out the passage "this Act" thirdly and fourthly occurring therein and inserting in lieu thereof in each case the passage "those provisions".

86. Section 307 of the principal Act is amended—

(a) by striking out the passage "this Act" where it occurs in subsection (1) and subsection (2) and inserting in lieu thereof in each case the passage "the local court provisions";

Amendment of principal Act, s. 307—

Proceedings for penalties in certain cases to be heard under Justices Act.

and

(b) by inserting after the passage "Justices Act, 1921" in subsection (1) the passage ", as amended".

Amendment of
principal Act,
s. 308—
Warrant of
commitment to
be under hand
of clerk and
seal of court.

87. Section 308 of the principal Act is amended—

(a) by striking out the passage “this Act” firstly occurring therein and inserting in lieu thereof the passage “the local court provisions” ;

and

(b) by striking out the passage “this Act” secondly occurring therein and inserting in lieu thereof the passage “those provisions”.

Amendment of
principal Act,
s. 312—
Protection
to officers.

88. Section 312 of the principal Act is amended by striking out from subsection (1) the passage “this Act” and inserting in lieu thereof the passage “the local court provisions”.

Amendment of
principal Act,
s. 315—
Appropriation
of penalties.

89. Section 315 of the principal Act is amended by striking out the passage “this Act” and inserting in lieu thereof the passage “the local court provisions”.

Amendment of
principal Act,
s. 316—
Appropriation
of moneys.

90. Section 316 of the principal Act is amended by striking out the passage “this Act” and inserting in lieu thereof the passage “the local court provisions”.

Enactment of
Parts XVIII
to XX of
principal Act—

91. The following Parts, headings and subheadings are enacted and inserted in the principal Act immediately after section 316 thereof :—

PART XVIII.

DISTRICT CRIMINAL COURTS : ESTABLISH- MENT AND ADMINISTRATION.

DIVISION 1.—ESTABLISHMENT OF DISTRICT CRIMINAL COURTS.

District
Criminal
Courts.

317. (1) There shall be, in and for the State, courts to be known as District Criminal Courts.

(2) The District Criminal Courts shall be constituted and shall have and may exercise jurisdiction as provided by the district criminal court provisions.

Constitution
of District
Criminal
Courts.

318. (1) Every District Criminal Court—

(a) shall be a court of record ;

and

(b) shall be constituted of a Recorder.

(2) The jurisdiction of a District Criminal Court is exercisable by a Recorder sitting in open court, with or without a jury, or in chambers, as the case may require.

319. (1) For the purpose of the district criminal court provisions, the State shall be divided into districts in accordance with this section. Division of State into districts.

(2) The Governor may, on the recommendation of the Senior Judge, by proclamation--

- (a) divide the State into districts ;
- (b) specify the boundaries of the several districts ;
- (c) name each district ;

and

- (d) appoint a place or places within each district where a Recorder or Recorders will preside over the District Criminal Court or District Criminal Courts to be held therein.

(3) The Governor may, on the recommendation of the Senior Judge, from time to time by proclamation revoke or vary a proclamation made under subsection (2) of this section.

(4) A proclamation made under subsection (2) or subsection (3) of this section shall have effect according to the tenor thereof.

(5) On and after the division of the State into districts pursuant to subsection (2) of this section, every duly constituted District Criminal Court shall have as part of its name the name of the district within, or in connection with, which it is exercising its jurisdiction.

(6) More than one District Criminal Court may sit and exercise jurisdiction at the same time within, or in connection with, the same district.

(7) Subject to the rules of court made under the district criminal court provisions, a Recorder may exercise the jurisdiction of a District Criminal Court while sitting in chambers at any time and at any place.

Recorders to
be assigned to
districts.

320. The Senior Judge shall, from time to time, as occasion requires, either personally or by the giving of proper directions—

- (a) assign Recorders to the several districts respectively as may be necessary for the hearing and determination of cases and the dispatch of the other business of the District Criminal Courts ;
 - (b) after receiving the criminal lists from time to time from the Attorney-General, cause to be published in the *Gazette* and in newspapers circulating generally throughout the State and in such other publications as he deems proper and at court houses, police stations and at such other places as he deems proper and necessary, such notices as will, as far as reasonably practicable, keep all persons concerned duly informed of the lists and the sessions of District Criminal Courts throughout the State ;
 - (c) appoint times and places at which District Criminal Courts will sit for the hearing and determination of cases and the dispatch of the other business of the District Criminal Courts ;
 - (d) arrange for the due attendance, at the appointed times and places, of Recorders for the hearing and determination of cases and the dispatch of the other business of the District Criminal Courts ;
- and
- (e) do all such other acts and things as appear to him necessary or convenient for the speedy disposal of the business of the District Criminal Courts.

Rules of
court.

321. (1) The Senior Judge and two other Judges may make rules of court for carrying into effect the purposes of the district criminal court provisions and, without affecting the generality of the foregoing provisions, in particular for any of the following purposes :—

- (a) For regulating the sittings of the District Criminal Courts and of Recorders sitting in chambers, and the vacations to be observed by District Criminal Courts and the offices of District Criminal Courts ;

-
- (b) For regulating the pleading, practice and procedure in and of District Criminal Courts and matters incidental thereto or consequential thereon ;
 - (c) For conferring on the Registrars power to do such things as are prescribed by the rules ;
 - (d) For regulating the duties of officers of District Criminal Courts or any such officers of a prescribed class and the conduct of any business coming within the cognizance of District Criminal Courts for which provision is not expressly made by the district criminal court provisions ;
 - (e) For regulating and prescribing the fees to be charged in connection with any matter relating to the business of District Criminal Courts.

(2) Power given by subsection (1) of this section to make rules shall be deemed to include power from time to time by subsequent rule—

- (a) to revoke the same absolutely in whole or in part ;
 - (b) to revoke the same in whole or in part and substitute other rules for those which have been so revoked ;
- and
- (c) to amend or vary the same or any of them.

(3) All rules of court made in pursuance of this section—

- (a) shall be published in the *Gazette* ;
 - (b) shall be laid before both Houses of Parliament within fourteen days after such publication if Parliament is then in session, and if not, within fourteen days after the commencement of the next session of Parliament ;
- and
- (c) shall, subject to subsection (4) of this section, as from the day of publication in the *Gazette*, or from a later day mentioned in the rules as the

day on which they shall take effect, have the force of law, be judicially noticed and be conclusively deemed to be valid.

(4) If either House of Parliament within one month after rules of court are laid before it as provided in this section, passes a resolution disallowing all or any of those rules, the rules disallowed shall thereupon cease to have effect, but without affecting the validity or curing the invalidity of anything done or omitted in the meantime.

Members of
police force
to execute
process.

322. Members of the police force of the State who are lawfully required to attend at a sitting of a District Criminal Court and are stationed at a place provided for such members of the police force at or in the vicinity of that court shall obey and execute every lawful writ, precept, summons, subpoena, warrant, process, order and command of a Recorder presiding at that court.

Seal of
District
Criminal Court.

323. (1) Every District Criminal Court shall have and, as occasion requires, shall use a seal signifying the district within, or in connection with, which the court is exercising its jurisdiction.

(2) All certificates and all writs, precepts, summonses, subpoenas, warrants, notices and other processes shall be sealed or stamped with the seal of the court out of which or in connection with which the same were issued.

DIVISION 2.—PRINCIPAL REGISTRAR AND OTHER OFFICERS : THEIR DUTIES AND FUNCTIONS.

Appointment
of Principal
Registrar,
assistant
registrars and
other officers.

324. (1) The Governor may appoint a Principal Registrar of District Criminal Courts and such assistant registrars and other officers as may be required for the administration of justice in connection with, and the conduct of the business of, District Criminal Courts throughout the State and for the due execution of the writs, precepts, judgments, orders and processes of District Criminal Courts.

(2) All officers so appointed shall, except in so far as their duties are prescribed by or under the laws relating to the administration of justice in connection with, or the conduct of the business of, District Criminal Courts throughout the State, be subject to the Public Service Act, 1967, as amended.

(3) A person may be appointed and hold office as an officer under this section notwithstanding that he also holds an office under the local court provisions.

(4) The business of the District Criminal Courts, other than the functions of Recorders, and the administrative duties and functions connected with or resulting from that business shall be distributed among the officers appointed under this section in such manner as is provided by the district criminal court provisions or the rules of court made thereunder or, where no provision is made by those provisions or rules, as the Senior Judge or (in the absence of any direction by him) a Recorder may direct, and such business, duties and functions shall be transacted, discharged and performed accordingly.

325. (1) The Principal Registrar shall have his office in Adelaide and the several assistant registrars shall have their respective offices at such places as are, from time to time, appointed by the Senior Judge.

Functions and responsibilities of Principal Registrar.

(2) It shall be the responsibility of the Principal Registrar to perform or to secure the performance by the assistant registrars acting under his authority or direction, of the duties and functions imposed upon the Registrars by or under the district criminal court provisions or the rules or by direction of the Senior Judge or, in any particular case, of a Recorder.

326. (1) The Registrar shall, with respect to the District Criminal Court of which he is an officer, and subject to the directions of the Senior Judge or, in any particular case, the presiding Recorder—

Duties of the Registrar of a District Criminal Court.

- (a) sign and issue certificates and writs, precepts, summonses, subpoenas, warrants, notices and other processes of the court ;
- (b) register records, verdicts, sentences and judgments of the court ;
- (c) make lists of all causes and matters for trial, hearing, further hearing or re-hearing by the court and prepare those lists for publication ;
- (d) keep a record of the proceedings of the court ;

(e) take charge, and keep an account, of all court fees, fines and estreated recognizances payable or paid into court and of all other moneys paid into court and keep an account of all moneys paid out of court ;

(f) enter an account of all moneys referred to in paragraph (e) of this subsection in a ledger or in ledgers kept for that purpose and, when required, submit each account to be audited by the Auditor-General under the Audit Act, 1921-1966, as amended ;

and

(g) do and perform all acts and duties properly appertaining to his office as such.

(2) An entry in the register or a book of a District Criminal Court or a copy of such an entry bearing the seal of that court and signed and certified as a true copy by the Registrar of that court shall be admitted in all courts and by persons acting judicially or quasi-judicially as evidence of that entry and of the proceedings referred to in that entry, and of the regularity of those proceedings, without further inquiry, and no formal record of any writ, precept, summons, subpoena, verdict, judgment, order, determination or sentence other than such entry shall be necessary.

DIVISION 3.—REPRESENTATION IN COURT.

Representation
of parties in
court.

327. (1) The Crown shall be represented in a District Criminal Court by the Attorney-General or by counsel appearing on his behalf.

(2) Any other party to a proceeding in a District Criminal Court may conduct his own case or engage counsel to appear on his behalf.

(3) A person who is not a practitioner of the Supreme Court entitled to practise shall not appear in a District Criminal Court for the prosecution or on behalf of any party.

(4) This section does not dispense with the personal attendance in court of a person charged with an indictable offence or authorize a Recorder to try or to sentence a person, charged with an indictable offence, in his absence.

(5) Nothing in subsection (4) of this section shall prevent a Recorder from ordering the removal of a person from a District Criminal Court room for such period as he thinks fit where, in his opinion, it is necessary to do so in order that proceedings may be conducted in an orderly and regular manner.

PART XIX.

JURISDICTION, POWERS, PRACTICE AND
PROCEDURE OF DISTRICT CRIMINAL COURTS.

328. (1) Subject to the district criminal court provisions, a District Criminal Court shall have all the jurisdiction and powers that the Supreme Court had, under any Act or the common law, immediately before the commencement of the Local Courts Act Amendment Act, 1969, respectively to try and sentence persons charged with and guilty of indictable offences and to do all such acts and things (including the making of orders, the granting or refusing of bail and the taking and enforcing of recognizances and securities) as are incidental to the exercise of that jurisdiction and those powers.

Jurisdiction
and powers of
Supreme Court
vested in
District
Criminal Court
subject to
this Act.

(2) A District Criminal Court has no jurisdiction to try or to sentence a person charged with, or guilty of, a group I offence, whether or not the information upon which the person was presented—

(a) includes a count charging him with an offence other than a group I offence ;

or

(b) includes a count charging him with a group I offence upon which the person may be, or has been, convicted of an offence other than a group I offence.

(3) Nothing in the district criminal court provisions shall derogate from or affect—

(a) the power of a court of summary jurisdiction with respect to the summary trial of children, or to hear and determine minor indictable offences pursuant to the Justices Act, 1921-1965, as amended ;

(b) the power of a jury in the Supreme Court conferred on it by any enactment or by the general law whereby a verdict for a less serious or other offence than that with which a person is charged may be returned ;

or

(c) the jurisdiction and powers of the Supreme Court.

329. (1) Where a person has been convicted by a District Criminal Court, on information, of an offence of a class mentioned in subsection (3) of section 319 of the Criminal Law Consolidation Act, 1935-1966, as amended, and that person has been previously convicted on at least two

Habitual
criminals.

occasions of an offence of the same class, the Attorney-General may file an information in that court charging that person with such previous convictions, whereupon the Recorder shall desist from further hearing the case and shall order that the record and the transcript of evidence and exhibits relating to the case be removed into the Supreme Court.

(2) The case shall accordingly be removed forthwith into the Supreme Court and shall be included in the list of cases to be heard at the Criminal Sessions or the Circuit Sessions of the Supreme Court that will enable the case to be the more conveniently and expeditiously disposed of.

(3) The Judge of the Supreme Court presiding at the Criminal Sessions or Circuit Sessions in whose list the case has been included shall hear and determine the charge contained in the information and upon proof of the previous convictions shall thereupon sentence the person for the offence of which he was convicted as if he had been convicted before that Judge of the Supreme Court and that Judge may exercise the power, conferred by section 319 of the Criminal Law Consolidation Act, 1935-1966, as amended, of declaring as part of the sentence of such person that he is an habitual criminal.

(4) The sentence imposed under subsection (3) of this section shall be the sentence of the Supreme Court.

Pleading,
practice and
procedure of
District
Criminal
Courts.

330. (1) The pleading, practice and procedure of a District Criminal Court shall, except as otherwise provided by the district criminal court provisions or some other Act, be the same as the pleading, practice and procedure of the Supreme Court when in exercise of its criminal jurisdiction.

(2) Without affecting the application of the district criminal court provisions or the application of the other provisions of the Criminal Law Consolidation Act, 1935-1966, as amended, the provisions of Part VIII and sections 273 to 300h, inclusive, of that Act and the schedules referred to therein shall extend and apply to and in relation to every District Criminal Court and every trial and other proceeding of a District Criminal Court in the exercise of of its criminal jurisdiction and for the purpose of so extending and applying those provisions—

(a) a reference to a court, generally, or the Supreme Court, in particular, shall be read as including a District Criminal Court ;

(b) a reference to a Judge of the Supreme Court shall be read as including a Recorder ;

(c) a reference to Criminal Sessions or sittings of the Supreme Court shall be read as including sittings of a District Criminal Court ;

and

(d) a reference to a trial or other proceeding in the Supreme Court shall be read as including a trial or other proceeding in a District Criminal Court :

But any references in sections 300 to 300h, inclusive, of that Act to the Master or Deputy Master of the Supreme Court, the Sheriff or Deputy Sheriff or the Chief Clerk of the Supreme Court shall not be varied, by modification, adaptation or otherwise, in and for the purpose of so extending and applying those provisions pursuant to this section.

331. A person charged with any offence in a District Criminal Court shall be tried by a Recorder and a jury consisting of twelve persons returned, summoned, chosen and sworn in accordance with the provisions of the Juries Act, 1927-1965, as amended.

Accused person to be tried by Recorder and jury.

332. (1) Unless a special appointment is made for the purpose under section 324 of this Act, the Registrar of every District Criminal Court in which a person is, or is to be, tried or sentenced shall be and act as the Clerk of Arraignment of that court, and in that capacity may issue subpoenas for the attendance of witnesses and any subpoena so issued shall for all purposes be regarded as issued by the District Criminal Court.

Registrar of District Criminal Court to act as clerk of arraigns.

(2) A person who disobeys a subpoena issued by a District Criminal Court is liable to the same consequences as if he had disobeyed a subpoena issued out of the Supreme Court in its criminal jurisdiction and every Recorder shall have the powers and authorities of a Judge of the Supreme Court with respect to subpoenas so issued, and to disobedience of those subpoenas.

333. (1) A District Criminal Court shall have the power and authority of the Supreme Court, or a Judge of the Supreme Court, to take cognizance of and to try in a summary manner any offence of contempt committed in the face or hearing of that court against or in disrespect of its authority and may, on conviction, by oral order, commit the offender to prison until he shall have purged his contempt or for such period as the court thinks fit and, in addition to or substitution for committing the offender to prison, may order the offender to pay a fine not exceeding five hundred dollars.

Contempt of court.

(2) The Full Court shall have the same power and authority to hear and determine applications to punish, and to punish, contempt of a District Criminal Court or of a Recorder, committed otherwise than in its or his face or hearing, as it has to hear and determine an application to punish, and to punish, contempt of the Supreme Court or of a Judge thereof, and the practice and procedure applicable for the time being to and in relation to applications to punish contempt of the Supreme Court or of a Judge thereof shall, with such modifications and adaptations as may be necessary, apply to and in relation to applications to punish contempt of a District Criminal Court or of a Recorder, as the case may be.

(3) On an application to the Full Court pursuant to subsection (2) of this section, the Full Court shall have the same powers to punish contempt of a District Criminal Court or a Recorder as it has to punish a contempt of the Supreme Court or a Judge thereof.

(4) The provisions of the Law Courts (Maintenance of Order) Act, 1928, shall apply to and in relation to every District Criminal Court, and an order for the payment of a fine or costs made by a Recorder shall be enforced in the same way as that in which a fine for an indictable offence imposed by the Recorder may be enforced under the district criminal court provisions.

(5) Without affecting the generality of or derogating from any other provisions of this section, the provisions of subsection (6) of this section shall apply to and in relation to every District Criminal Court and the proceedings of and in every such court.

(6) If a person—

- (a) wilfully insults a Recorder, juror, or Registrar, or an officer of a District Criminal Court who is in attendance at, or is going to or returning from, a District Criminal Court ;
- (b) wilfully interrupts the proceedings of a District Criminal Court ;
- (c) having been duly summoned on a *subpoena ad testificandum* or a *subpoena duces tecum* and having been paid or tendered a reasonable sum for travelling expenses and subsistence, refuses or neglects, without reasonable cause, to appear at a District Criminal Court or to produce any books, deeds, papers, writings or things required by the subpoena to be produced ;

- (d) being summoned or examined as a witness at a hearing of a District Criminal Court, or being present in such court and required to give evidence, refuses to be sworn or to answer a lawful question ;
- (e) in the opinion of the Recorder before whom the person is appearing as a witness, wilfully prevaricates ;

or

- (f) misbehaves in a District Criminal Court,

the Recorder concerned may, by order cause the person to be apprehended and, if he thinks fit, may by oral order commit the person to the prison nearest to the place where the court is sitting for a term not exceeding three months or may impose on the person a fine not exceeding five hundred dollars and in default of immediate payment may commit the person to such prison for a term not exceeding three months unless the fine is sooner paid.

(7) The imposition or payment of a fine or a committal made under subsection (6) of this section does not exempt the person fined or committed from obeying any summons to appear at or to produce any thing to the court.

334. Every District Criminal Court and every Recorder shall have and may exercise the same powers and authorities for compelling obedience to, and punishing disobedience of, any judgment, order, precept or process of the court or of the Recorder as the Supreme Court or a Judge thereof has and may exercise for compelling obedience to, and punishing disobedience of, any judgment, order, precept or process of the Supreme Court in its criminal jurisdiction, and all the rules of law in force, whether by statute or the common law, conferring and applicable to and in relation to such powers and authorities of the Supreme Court shall, subject to such modifications and adaptations as are necessary, extend and apply to and in relation to District Criminal Courts and Recorders so that the same powers and authorities are exercisable by them for the same purposes.

Powers and authorities of Supreme Court for compelling obedience to or punishing disobedience of orders extended to District Criminal Courts.

PART XX.

PRESENTATION FOR TRIAL.

335. (1) Where a person has been directed to be put on trial in a District Criminal Court, the Attorney-General may cause the person to be presented for trial in a District

Presentation for trial.

Criminal Court in the district where the preliminary examination was conducted, upon an information charging him with an offence other than a group I offence or with offences that are not group I offences, and he shall be tried by that court and may be sentenced accordingly.

(2) Where a person has been directed to be put on trial in a District Criminal Court, the Attorney-General may, notwithstanding the terms of the record put into writing by the justice pursuant to section 112 of the Justices Act, 1921-1965, as amended, cause the person to be presented for trial at the Criminal Sessions at Adelaide or the Circuit Sessions of the Supreme Court upon an information charging him with such indictable offence or indictable offences as he deems proper.

(3) Where a person has been directed to be put on trial in the Supreme Court, and the information upon which he is presented for trial does not charge him or does not contain a count charging him with a group I offence, the Judge of the Supreme Court presiding over the Criminal Sessions at Adelaide or the Circuit Sessions of the Supreme Court at which he is so presented may, upon the application of the Attorney-General or of the defence, made by summons or in open court, or upon his own motion, before the commencement of the trial, by order direct that the person shall be tried in a District Criminal Court specified in the order not less than ten days after the making of the order, or such lesser period as the person consents to personally or by counsel, and the person shall then be tried and may be sentenced accordingly.

(4) Where a person has been directed to be put on trial in a District Criminal Court—

(a) the Judge of the Supreme Court presiding over the Criminal Sessions being held in Adelaide at the time of the application referred to in this subsection or, if no such sessions is being held at the time, the Judge of the Supreme Court who presided over the Criminal Sessions last concluded ;

or

(b) the Judge of the Supreme Court presiding over the Circuit Sessions being held at the time of the application referred to in this subsection,

may, on the application of the person, made by summons or in open court, after two days' notice has been given before the commencement of the trial (unless the Judge otherwise orders) by order direct that the person shall be

tried at the Criminal Sessions to be held in Adelaide, or at the Circuit Sessions, specified in the order and the person shall then be tried and may be sentenced accordingly.

(5) An order may be made under subsection (4) of this section notwithstanding that the person could not have been presented for trial upon an information charging him, or containing a count charging him, with a group I offence.

(6) Where a person stands charged in the Supreme Court, whether at the Criminal Sessions held at Adelaide or at any Circuit Sessions, upon an information alleging two or more group II offences or two or more group III offences or two or more offences that include at least one group II offence and one group III offence, and the presiding Judge of the Supreme Court directs a separate trial to be held of one or some of the counts in the information, that trial shall, unless the Judge for special reasons otherwise orders, be held in the Supreme Court.

(7) Where a presiding Judge of the Supreme Court makes an order under subsection (6) of this section that a count or some of the counts in an information shall be tried in a District Criminal Court, he may make such orders and give such directions for or in relation to the holding of that trial as he deems just and the person charged shall be tried and may be sentenced accordingly.

(8) Where, in consequence of the exercise, by the Attorney-General or by a Judge of the Supreme Court, of a power conferred by subsection (2), (3), (4) or (6) of this section, a person is or is to be presented for trial in a court other than the court in which he was directed by a court of summary jurisdiction to be put on trial—

(a) that person shall, on being notified of the court in which he is to be presented for trial, be deemed to have been committed, or admitted to bail to appear, for trial in that court and his recognizance of bail (if any) shall be deemed to have been varied and to have effect accordingly ;

and

(b) the recognizance of every witness shall, on his being notified of the court in which the trial is to be held, be deemed to have been varied to compel him to attend accordingly.

336. Where a person has been committed to prison, or admitted to bail, to appear for sentence in a District Criminal Court, the Attorney-General may, by notice in writing given to the Senior Judge, the Clerk of Arraigns

Removal of
case committed
for sentence
from District
Criminal Court
to Supreme
Court.

of the Supreme Court and that person, remove the case of that person into the Supreme Court, and, upon such notice being so given, that person shall be deemed to have been committed or admitted to bail to appear for sentence at the next Criminal Sessions or the Circuit Sessions, as the Attorney-General may specify in the notice, to commence not less than seven days after the giving of notice to that person, and he shall appear accordingly.

Change of
venue of
trial to
different
district.

337. (1) The Senior Judge may, upon application to him by summons returnable within two days after the issue thereof (a copy of which shall be served on the Attorney-General or, in his absence, on the Solicitor-General, where the application is made by or on behalf of the person against whom the charge in question is laid, and on such person where the application is made by or on behalf of the Attorney-General) in any case where he thinks it is in the interests of the administration of justice to do so, by order direct that the person shall be tried or sentenced in a District Criminal Court constituted in a district other than the district in which he was previously directed to be tried or sentenced, and that person shall be tried or sentenced accordingly.

(2) Where an order is made under subsection (1) of this section, any recognizance for the appearance of a witness shall on such witness being served with a copy of the order, be effectual to compel him to attend at the place and time mentioned in the order as the place and time he is required to attend.

(3) Where a person has been admitted to bail to appear for trial or sentence and an order has been made under subsection (1) of this section changing the venue for the trial or sentence any justice may, on the application of the Attorney-General, cause the person to be brought before him and order him to enter into a recognizance with sureties for his due appearance at the time and place named in the order and, in default of his finding the sureties, may commit him to prison, and on and after the appearance of that person before the justice, he and his sureties shall be discharged from the recognizance previously entered into for his appearance for the trial or sentence, as the case may be, at the court named in that recognizance.

(4) Where a person ordered to be tried or sentenced in a District Criminal Court constituted in a district other than the district in which he was previously directed to be tried or sentenced is in prison, the Sheriff, on being served with a duplicate of the order, shall cause him to be conveyed to the place and at the time mentioned in the order.

338. (1) Without affecting the operation of section 22 of the Acts Interpretation Act, 1915-1957, as amended, the Acts mentioned in subsection (2) of this section shall be read and construed as *in pari materia* with the district criminal court provisions and, for the purpose of their operation with respect to the administration of criminal justice in District Criminal Courts, as *in pari materia* with one another; and those Acts and the district criminal court provisions shall accordingly receive such large and liberal construction as will best ensure the attainment of the objects of the district criminal court provisions and the fair and expeditious administration of criminal justice in all its aspects in those courts.

District
criminal
court
provisions and
other Acts to
be read and
construed *in
pari materia*.

(2) The Acts referred to in subsection (1) are—

- (a) the Justices Act, 1921-1965, as amended;
- (b) the Juries Act, 1927-1965, as amended;
- (c) the Criminal Law Consolidation Act, 1935-1966, as amended;
- (d) the Prisons Act, 1936-1968, as amended;
- (e) the Juvenile Courts Act, 1965-1966, as amended;
- and
- (f) the Offenders Probation Act, 1913-1963, as amended.

339. Without derogating from any other power conferred by law, the Attorney-General, or counsel appearing on his behalf, may at any time before judgment enter a *nolle prosequi* in respect of any count in an information upon which a person has been presented for trial before a District Criminal Court.

Attorney-
General may
before
judgment enter
nolle prosequi
in District
Criminal Court.

340. (1) Notwithstanding anything contained in this Act or in any rule of court, the Attorney-General shall be solely responsible for preparing and forwarding to the Senior Judge and the Sheriff lists of persons who are, from time to time to appear for trial or sentence or otherwise in due course of law, at the several sittings of the District Criminal Courts throughout the State.

Administrative
responsibilities
of Attorney-
General.

(2) At any sitting of a District Criminal Court, the Attorney-General may determine the order in which persons are initially presented for trial or called on for sentence or otherwise required to appear in due course of law.

(3) In the exercise of his executive and administrative responsibilities under the district criminal court provisions generally, and this section in particular, the Attorney-General shall endeavour to ensure that the cases of persons not on bail are brought on before those on bail and that, generally, all lists are disposed of with as little delay as is reasonably practicable.

Appropriation
of fines and
penalties.

341. All fines and penalties imposed by any District Criminal Court under the authority of the district criminal court provisions or the rules of court thereunder shall, except where otherwise specially appropriated, be paid to the Treasurer for the purposes of the General Revenue of the State.

Appropriation
of moneys.

342. All moneys received as fees or penalties under the district criminal court provisions or the rules of court thereunder shall, unless otherwise expressly appropriated, be paid to the Treasurer for the purposes of the General Revenue of the State.

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

J. W. HARRISON, Governor.