



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 12 of 1974

An Act to amend the Supreme Court Act, 1935-1972.

[Assented to 28th March, 1974]

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

Short titles.

1. (1) This Act may be cited as the "Supreme Court Act Amendment Act, 1974".

(2) The Supreme Court Act, 1935-1972, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1974".

Commence-
ment.

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

Amendment of
principal Act,
s. 30c—
Power to
award interest.

3. Section 30c of the principal Act is amended—

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

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

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

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

and

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

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

4. The heading immediately preceding section 106 of the principal Act is repealed and the following heading is enacted and inserted in its place:—

Amendment of heading.

“Tipstaves”.

5. Section 106 of the principal Act is amended—

Amendment of principal Act, s. 106—
Appointment of tipstaves.

(a) by striking out the word “messengers” and inserting in lieu thereof the word “tipstaves”;

and

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

(2) The person holding office as a messenger of the court immediately before the commencement of the Supreme Court Act Amendment Act, 1974, shall, upon the commencement of that Act, be deemed to have been appointed as a Tipstaff under this section.

6. Section 107 of the principal Act is amended—

Amendment of principal Act, s. 107—
Duty of tipstaves.

(a) by striking out the word “messengers” and inserting in lieu thereof the word “tipstaves”;

and

(b) by striking out the word “messenger” and inserting in lieu thereof the word “tipstaff”.

7. Section 108 of the principal Act is amended by striking out the word “messenger” and inserting in lieu thereof the word “tipstaff”.

Amendment of principal Act, s. 108—
Other duties.

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

M. L. OLIPHANT, Governor