

CONCURRENCE COPY

SUPREME COURT (INTEREST) AMENDMENT BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:—

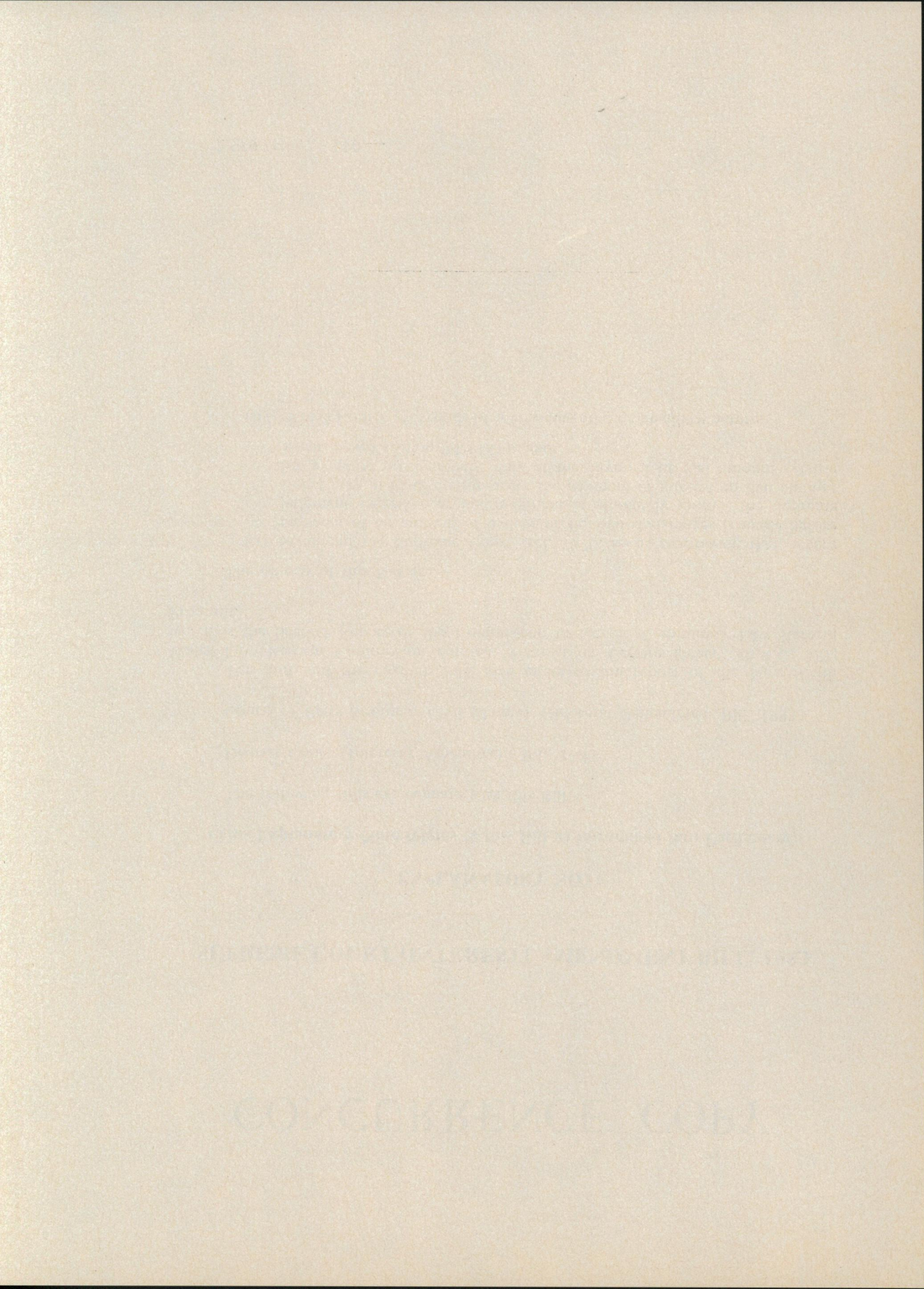
District Court (Interest) Amendment Bill, 1983;

Courts of Petty Sessions (Civil Claims) (Interest) Amendment Bill, 1983.

This Bill and the cognate Bills give effect to the report of the New South Wales Law Reform Commission entitled "Interest on Certain Debts" (L.R.C. 35), which is the Second Report of the Commission under the Community Law Reform Program.

The objects of this Bill are—

- (a) to amend the Supreme Court Act, 1970, so as to provide that, where payment of an amount of a debt or liquidated damages is made before judgment (whether or not judgment is ultimately given), the Supreme Court may in its discretion order the payment of interest on that amount for a period preceding the date of the payment of that amount (clause 3—proposed section 94 (1A)); and
 - (b) to make other provisions of a consequential or ancillary nature.
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SUPREME COURT (INTEREST) AMENDMENT BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Supreme Court Act, 1970, so as to authorise the Supreme Court to order the payment of interest in certain cases.

[MR WALKER—12 *October*, 1983.]

See also District Court (Interest) Amendment Bill, 1983; Courts of Petty Sessions (Civil Claims) (Interest) Amendment Bill, 1983.

Supreme Court (Interest) Amendment.

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

5 Short title.

1. This Act may be cited as the "Supreme Court (Interest) Amendment Act, 1983".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence
10 on the date of assent to this Act.

(2) Section 3 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 52, 1970.

15 3. The Supreme Court Act, 1970, is amended by inserting after section 94 (1) the following subsection:—

(1A) Where—

(a) proceedings have been commenced for the recovery of a debt or liquidated damages; and

20 (b) payment of the whole or a part of the debt or damages is made during the currency of the proceedings and prior to or without judgment being given in respect of the debt or damages,

25 the Court may order that interest be paid at such rate as it thinks fit on the whole or any part of the money paid for the whole or any part of the period between the date when the cause of action arose and the date of the payment.

Supreme Court (Interest) Amendment.

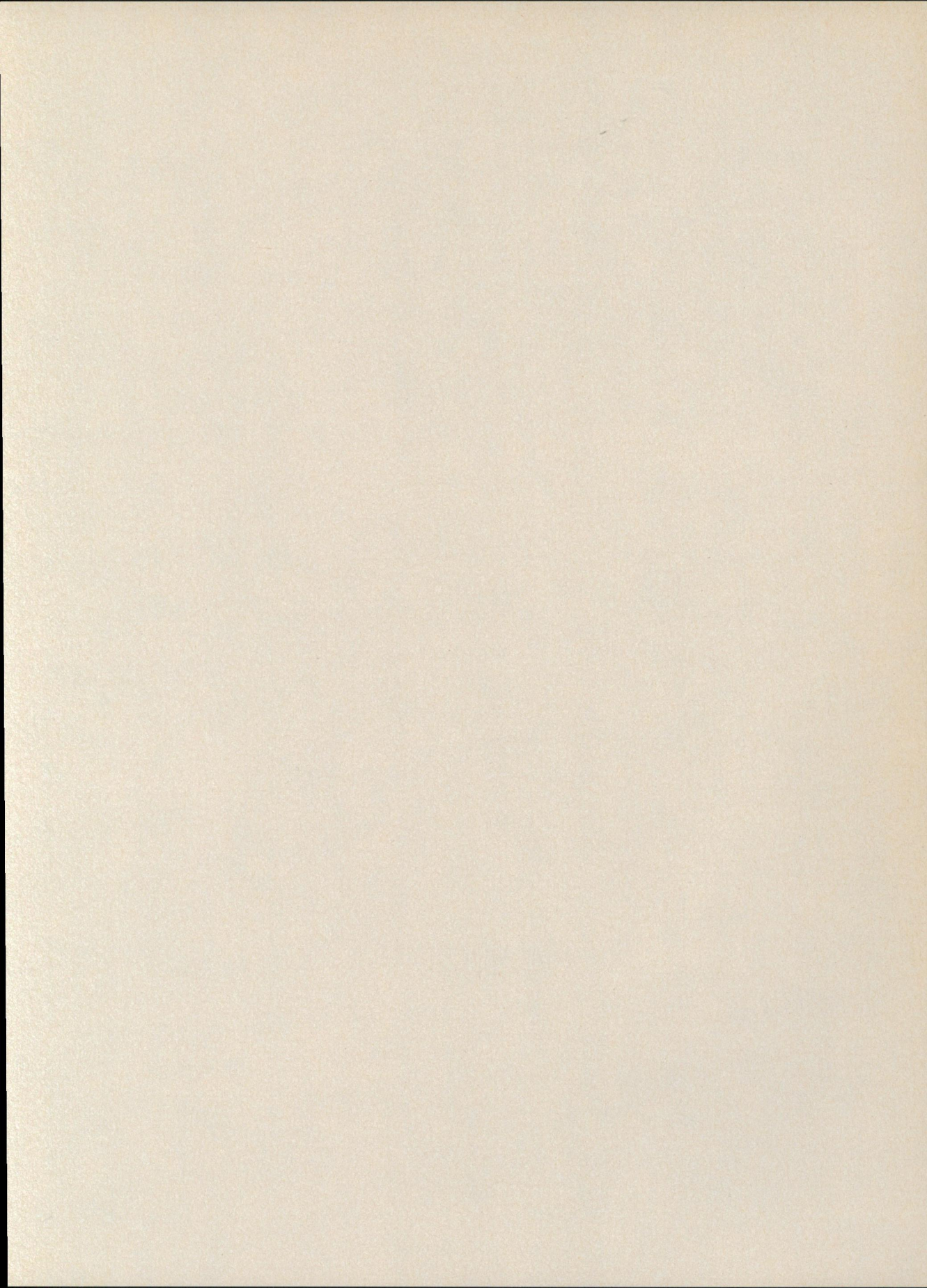
Transitional provision.

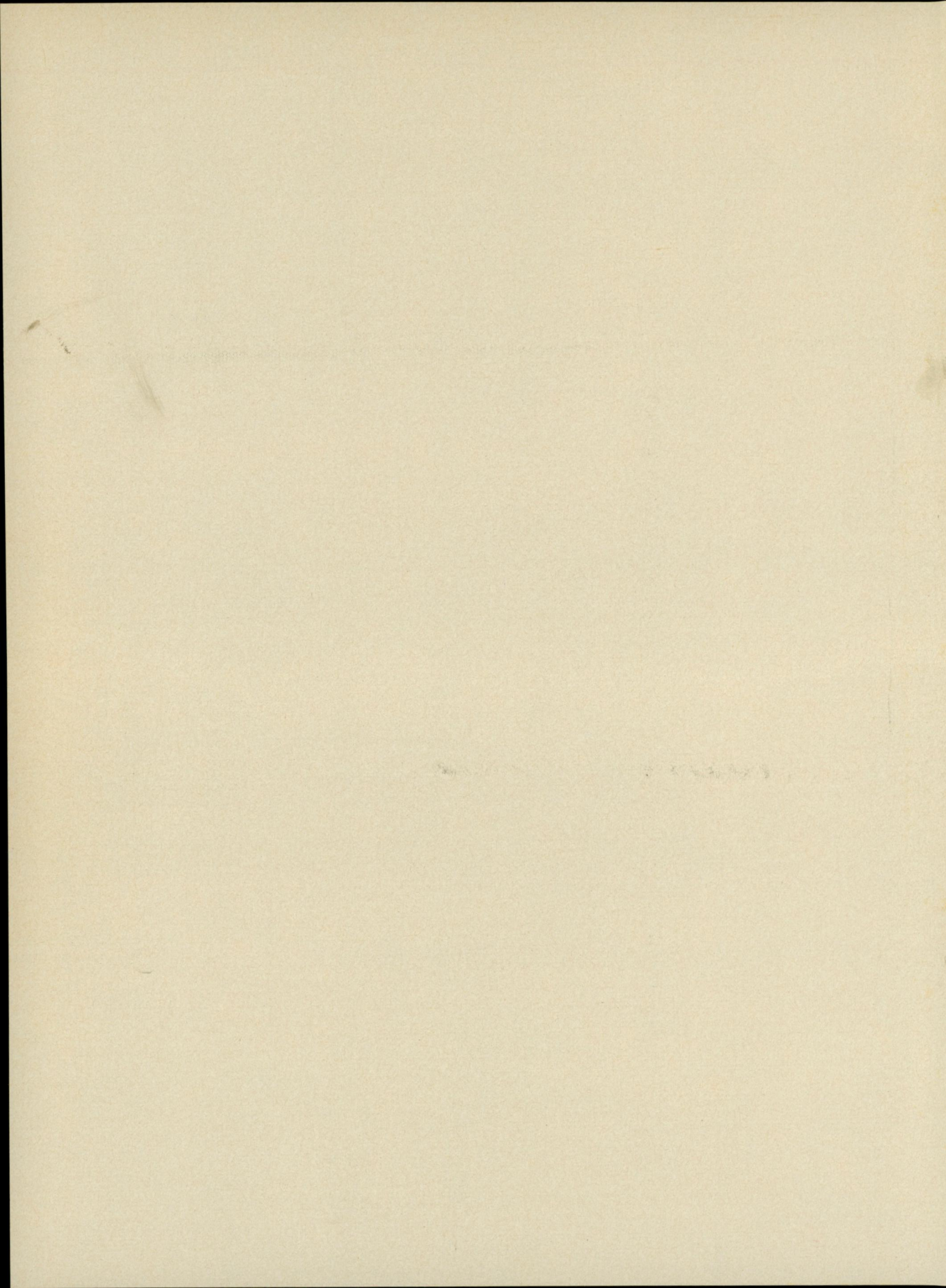
4. The provisions of section 94 (1A) of the Supreme Court Act, 1970, as amended by this Act, apply to proceedings commenced before the day appointed and notified under section 2 (2), as well as to proceedings commenced on or after that day, but do not operate to authorise the giving of interest on money paid before that day.
- 5

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(20c)





**SUPREME COURT (INTEREST) AMENDMENT ACT,
1983, No. 201**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 201, 1983.

An Act to amend the Supreme Court Act, 1970, so as to authorise the Supreme Court to order the payment of interest in certain cases.
[Assented to, 31st December, 1983.]

See also District Court (Interest) Amendment Act, 1983; Courts of Petty Sessions (Civil Claims) (Interest) Amendment Act, 1983.

Supreme Court (Interest) Amendment.

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

Short title.

1. This Act may be cited as the "Supreme Court (Interest) Amendment Act, 1983".

Commencement.

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 3 shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 52, 1970.

3. The Supreme Court Act, 1970, is amended by inserting after section 94 (1) the following subsection:—

(1A) Where—

- (a) proceedings have been commenced for the recovery of a debt or liquidated damages; and
- (b) payment of the whole or a part of the debt or damages is made during the currency of the proceedings and prior to or without judgment being given in respect of the debt or damages,

the Court may order that interest be paid at such rate as it thinks fit on the whole or any part of the money paid for the whole or any part of the period between the date when the cause of action arose and the date of the payment.

Supreme Court (Interest) Amendment.

Transitional provision.

4. The provisions of section 94 (1A) of the Supreme Court Act, 1970, as amended by this Act, apply to proceedings commenced before the day appointed and notified under section 2 (2), as well as to proceedings commenced on or after that day, but do not operate to authorise the giving of interest on money paid before that day.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
By Deputation from
His Excellency the Governor.

*Government House,
Sydney, 31st December, 1983.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984

Trustee of the Trust

Trustee of the Trust

The provision of section 21 of the Statute Book, 1910, is amended by this Act, so that a trust instrument, if it is not a will, shall not be void, as well as to proceedings commenced on or after the day, but do not operate to annul the vesting of interest in trust property before the day.

In the name and on behalf of the Trustee of the Trust

E. W. STREET

Trustee of the Trust
The Trustee of the Trust

Government House
Sydney, 21st December 1913

BY AUTHORITY

THE GOVERNMENT PRINTER, NEW SOUTH WALES