



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 40 of 1972

An Act to amend the Supreme Court Act, 1935-1971.

[Assented to 13th April, 1972]

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, 1972".

(2) The Supreme Court Act, 1935-1971, as amended by this Act, may be cited as the "Supreme Court Act, 1935-1972".

(3) The Supreme Court Act, 1935-1971, is hereinafter referred to as "the principal Act".

Commence-
ment.

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

Amendment of
principal Act,
s. 7—
Judges of the
Supreme Court.

3. Section 7 of the principal Act is amended by striking out from subsection (1) the passage "and not more than seven puisne judges" and inserting in lieu thereof the passage "and the puisne judges appointed, and for the time being holding office, under this Act".

Enactment of
s. 30c of
principal Act—

4. The following section is enacted and inserted in the principal Act immediately after section 30b:—

Power to award
interest

30c. (1) Unless good cause is shown to the contrary, the court shall, upon the application of a party in favour of whom a judgment for the payment of damages, compensation or any

other pecuniary amount has been, or is to be, pronounced, include in the judgment an award of interest in favour of the judgment creditor in accordance with the provisions of this section.

(2) The interest—

(a) shall be at the rate of seven per centum per annum or such lower rate as may be fixed by the court;

(b) shall be calculated—

(i) where the judgment is given upon an unliquidated claim—from the date of the commencement of the proceedings to the date of the judgment;

or

(ii) where the judgment is given upon a liquidated claim—from the date upon which the liability to pay the amount of the claim fell due to the date of the judgment,

or in respect of such other period as may be fixed by the court;

and

(c) shall be payable in respect of the whole or any part of the amount for which judgment is given in accordance with the determination of the court.

(3) No interest shall be awarded in respect of—

(a) damages or compensation in respect of loss or injury to be incurred or suffered after the date of the judgment;

or

(b) exemplary or punitive damages.

(4) This section does not—

(a) authorize the award of interest upon interest;

(b) apply in relation to any sum upon which interest is recoverable as of right by virtue of an agreement or otherwise;

(c) affect the damages recoverable upon the dishonour of a negotiable instrument;

(d) authorize the award of any interest otherwise than by consent upon any sum for which judgment is pronounced by consent;

or

(e) limit the operation of any other enactment or rule of law providing for the award of interest.

**Amendment of
principal Act,
s. 57—
Committal for
trial or sentence.**

5. Section 57 of the principal Act is amended—

(a) by striking out from subsection (1) the word “Every” and inserting in lieu thereof the passage “Subject to any direction of the court or commissioner, every”;

and

(b) by striking out from subsection (1) the passage “seven days” and inserting in lieu thereof the passage “fourteen days”.

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

J. M. NAPIER, Governor's Deputy