

DAMAGES (INFANTS AND PERSONS OF UNSOUND MIND) AMENDMENT ACT.

Act No. 1, 1947.

An Act to amend the Damages (Infants and Persons of Unsound Mind) Act, 1929, in certain respects; and for purposes connected therewith. [Assented to, 21st March, 1947.]

George VI
No. 1, 1947

BE it enacted by the King'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:—

1. (1) This Act may be cited as the “Damages (Infants and Persons of Unsound Mind) Amendment Act, 1947.”

Short title
and
citation.

(2) The Damages (Infants and Persons of Unsound Mind) Act, 1929, as amended by this Act, may be cited as the Damages (Infants and Persons of Unsound Mind) Act, 1929-1947.

2. The Damages (Infants and Persons of Unsound Mind) Act, 1929, is amended—

Amendment
of Act No.
25, 1929.

(a) by omitting from subsection one of section two the figures “1925” and by inserting in lieu thereof the figures “1926”;

Sec. 2.
(Application
of Act.)

(b) (i) by inserting at the end of subsection two of section seven the words:—

Sec. 7.
(Costs.)

“The judge may assess or direct the taxation of costs generally or as between party and party or as between solicitor and client or he may assess costs of one class and direct taxation of costs of the other class.”

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(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) (a) Where any such costs have been directed to be taxed (whether generally or as between party and party or as between solicitor and client), the costs of the plaintiff, or if more than one, of all the plaintiffs, in the action or matter or settlement or compromise or incident to the claims therein or consequent thereon, shall be taxed in accordance with such direction.

(b) Where the amounts payable as costs have been determined by assessment or taxation—

(i) the respective amounts and the difference, if any, and the proportion of such difference, if any, payable by or out of the moneys of the infant or person of unsound mind, shall be certified by the judge or by the taxing officer;

(ii) no costs other than those so certified to be payable shall be payable to the solicitor for the plaintiff by, or out of the moneys of, the infant or person of unsound mind.

(iii) by inserting at the end of the same section the following new subsection:—

(5) Where application is made under subsection two of this section to a judge to assess the costs of the infant or person of unsound mind the judge may refer the application to the proper officer for consideration and report.