

**COURTS OF PETTY SESSIONS (CIVIL CLAIMS)  
(INTEREST) AMENDMENT ACT, 1983, No. 203**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 203, 1983.**

An Act to amend the Courts of Petty Sessions (Civil Claims) Act, 1970,  
in relation to the payment of interest in certain cases. [Assented to, 31st  
December, 1983.]

---

*Courts of Petty Sessions (Civil Claims) (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 "Courts of Petty Sessions (Civil Claims) (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 4 and Schedule 1 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.

**Principal Act.**

**3.** A reference in this Act to the Principal Act is a reference to the Courts of Petty Sessions (Civil Claims) Act, 1970, and includes a reference to the Local Courts (Civil Claims) Act, 1970.

**Amendment of Act No. 11, 1970.**

**4.** The Principal Act is amended in the manner set forth in Schedule 1.

**Transitional provisions.**

**5. (1)** The provisions of section 39A of the Principal Act, 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 for which judgment was given before that day or on money paid before that day.

---

*Courts of Petty Sessions (Civil Claims) (Interest) Amendment.*

---

(2) The provisions of section 39B of the Principal Act, as amended by this Act, do not apply to proceedings commenced before the day appointed and notified under section 2 (2).

---

SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 2, matter relating to Part IV—

- (a) Omit “39” where firstly occurring, insert instead “39B”.
- (b) Omit “s. 39”, insert instead “ss. 39–39B”.

(2) Sections 39A, 39B—

After section 39, insert:—

**Order for interest.**

39A. (1) In any proceedings for the recovery of any money (including any debt, demand or damages or the value of any goods), the court may order that there shall be included, in the amount for which judgment is given, interest at such rate as it thinks fit on the whole or any part of that amount for the whole or any part of the period between the date when the cause of action arose and the date when the judgment takes effect.

(2) Where—

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

---

*Courts of Petty Sessions (Civil Claims) (Interest) Amendment.*

---

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

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.

(3) This section does not—

- (a) authorise the giving of interest upon interest;
- (b) apply in relation to any debt upon which interest is payable as of right whether by virtue of any agreement or otherwise;  
or
- (c) affect the damages recoverable for the dishonour of a bill of exchange.

(4) The rules may provide that the provisions of subsection (1) or (2), or both, do not apply to or in respect of any proceedings of a class or description that is specified in the rules.

**Entering up of judgment for interest.**

39B. (1) In this section, “interest” means interest of the kind referred to in section 39A.

(2) Subject to the rules, where in any proceedings of a prescribed class or description the plaintiff has, in accordance with the rules, claimed interest, the amount of interest calculated in accordance with the claim shall, for the purposes of sections 27 and 28, be deemed to be part of the amount claimed in respect of the cause of action for which the proceedings were commenced, and judgment may, subject to and in accordance with those sections, accordingly be entered up with respect to any such amount of interest.

---

*Courts of Petty Sessions (Civil Claims) (Interest) Amendment.*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) The rules may provide that, for the purposes of subsection (2) and sections 27 and 28 (or either of those sections)—

- (a) interest shall be deemed to have been claimed at a prescribed rate instead of at the rate (if any) at which it was in fact claimed; and
  - (b) interest shall be deemed to have been claimed for a prescribed period instead of for the period (if any) for which it was in fact claimed.
-