



ANNO VICESIMO NONO

ELIZABETHAE II REGINAE

A.D. 1980

No. 54 of 1980

An Act to amend the Local and District Criminal Courts Act, 1926-1978.

[Assented to 3rd July, 1980]

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

1. (1) This Act may be cited as the "Local and District Criminal Courts Act Amendment Act, 1980". Short titles.

(2) The Local and District Criminal Courts Act, 1926-1978, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Local and District Criminal Courts Act, 1926-1980".

2. Section 87 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 87 of principal Act and enactment of section in its place.

87. A person suffering from a mental illness or mental handicap, as defined in the Mental Health Act, 1977-1979, (whether or not he has been found to be suffering from a mental illness or mental handicap by a court or tribunal) may sue and defend in the manner prescribed by rules of court.

Manner in which proceedings are to be taken on behalf of persons of unsound mind.

3. Section 88 of the principal Act is amended—

Amendment of principal Act, s. 88—
Consent of persons under a disability.

(a) by striking out the passage "person of unsound mind or mentally defective within the meaning of the Mental Health Act, 1935-1967, as amended, whether so found by inquisition or not" and inserting in lieu thereof the passage "person suffering from a mental illness or mental handicap, as defined in the Mental Health Act, 1977-1979, (whether or not he has been found to be suffering from a mental illness or mental handicap by a court or tribunal)";

and

(b) by inserting after the word "guardian," the word ", administrator,".

Amendment of
principal Act,
s. 135—
Right of
appearance.

4. Section 135 of the principal Act is amended by inserting in subparagraph (i) of paragraph (c) of subsection (2) after the passage "instructions of his principal" the passage "or a student enrolled for the Graduate Diploma in Legal Practice at the South Australian Institute of Technology acting on the instructions of a legal practitioner of at least five years' standing".

Amendment of
principal Act,
s. 259—
Special
equitable
jurisdiction of
the local court.

5. Section 259 of the principal Act is amended by inserting after paragraph XII of subsection (1) the following paragraph:—

XIII. For contribution, where the amount of the claim does not exceed twenty thousand dollars.

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

K. D. SEAMAN, Governor