



LOCAL COURTS AMENDMENT ACT 1983

No. 47 of 1983

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AN ACT to amend the Local Courts Act 1896 to make further provision for the costs that may be prescribed by the Rules of Court under that Act as being payable to legal practitioners and to extend the cases in which costs between party and party under that Act are not subject to taxation.

[Royal Assent 28 September 1983]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Local Courts Amendment Act* Short title.
1983.

Commence-
ment.

2—This Act shall commence on the day on which it receives the royal assent.

Principal Act.

3—In this Act, the *Local Courts Act 1896** is referred to as the Principal Act.

Substitution of
section 134 of
Principal Act.

4—Section 134 of the Principal Act is repealed and the following section is substituted:—

Practitioners'
charges.

134—(1) The costs as between party and party to be paid to a practitioner—

(a) for appearing and acting in a court and for business transacted by that practitioner in connection with an action brought under this Act; and

(b) for a proper attendance in a court by an apprentice of the practitioner or by an articled clerk to the practitioner with a limited right of audience and for business transacted by that apprentice or articled clerk in connection with such an action,

shall be as prescribed by the Rules of Court.

(2) In subsection (1)—

“ apprentice ” means a person serving an apprenticeship under Part IVA of the *Legal Practitioners Act 1959*;

“ articled clerk ” means a clerk serving under articles pursuant to that Act.

Amendment of
section 135 of
Principal Act
(Costs to be
taxed by
registrar
subject to
review).

5—Section 135 of the Principal Act is amended by omitting “ section 135A and section 136 ” and substituting “ sections 135A, 135B, and 136 ”.

* 60 Vict. No. 48. For this Act, as amended up to and including 1st July 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 99 of 1982.

6—After section 135A of the Principal Act, the following section is inserted:—

Insertion in Principal Act of new section 135B.

135B—Nothing in section 135 requires the taxation of any costs between party and party arising from the hearing of an assessment of damages pursuant to section 46 (2) and, notwithstanding any provision in the Rules of Court to the contrary, those costs shall not be subject to variation by a court or a commissioner.

No taxation of costs arising from hearing of assessment of damages pursuant to section 46 (2).

