



ANNO TRICESIMO

# ELIZABETHAE II REGINAE

A.D. 1981

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## No. 109 of 1981

An Act to amend the Local and District Criminal Courts Act, 1926-1981; the Justices Act, 1921-1981; the Criminal Law Consolidation Act, 1935-1980; and the Companies Act, 1962-1981; and to make consequential amendments to the Local and District Criminal Courts Act Amendment Act, 1978.

[Assented to 23 December 1981]

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

### PART I PRELIMINARY

#### PART I

1. This Act may be cited as the "Statutes Amendment (Jurisdiction of Courts) Act, 1981". Short title.

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

(2) The Governor may, by the proclamation made for the purposes of subsection (1), suspend the operation of specified provisions of this Act until a later day fixed in the proclamation or to be fixed by subsequent proclamation.

3. This Act is arranged as follows:

Arrangement  
of Act.

PART I—PRELIMINARY

PART II—AMENDMENT OF LOCAL AND DISTRICT  
CRIMINAL COURTS ACT, 1926-1981

PART III—AMENDMENT OF JUSTICES ACT, 1921-1981

PART IV—AMENDMENT OF CRIMINAL LAW CON-  
SOLIDATION ACT, 1935-1980

PART V—AMENDMENT OF COMPANIES ACT, 1962-1981.

### PART II

#### PART II

AMENDMENT OF LOCAL AND DISTRICT CRIMINAL COURTS  
ACT, 1926-1981

4. (1) In this Part, the Local and District Criminal Courts Act, 1926-1981, is referred to as "the principal Act". Short titles.

## PART II

(2) The principal Act, as amended by this Part, may be cited as the "Local and District Criminal Courts Act, 1926-1981".

Amendment of  
s. 4—  
Interpretation.

5. Section 4 of the principal Act is amended—

(a) by striking out from the definition of "small claim" in subsection (2) the passage "five hundred dollars" and substituting the passage "one thousand dollars";

(b) by striking out the definition of "the local court jurisdictional limit" in subsection (2) and substituting the following definitions:

"the jurisdictional limit of local courts of limited jurisdiction" means seven thousand five hundred dollars:

"the local court jurisdictional limit" means—

(a) in relation to a cause of action in tort relating to injury, damage or loss caused by, or arising out of, the use of a motor vehicle—sixty thousand dollars;

and

(b) in any other case—forty thousand dollars;;

(c) by striking out from paragraph (b) of the definition of "group I offence" in subsection (3) the passage "ten years" and substituting the passage "fifteen years";

(d) by striking out from the definition of "group II offence" in subsection (3) the passage "for a term exceeding four years but not exceeding ten years" and substituting the passage "for a term exceeding five years but not exceeding fifteen years";

and

(e) by striking out from the definition of "group III offence" the passage "four years" and substituting the passage "five years".

Amendment of  
s. 5a—  
Transitional  
provision.

6. Section 5a of the principal Act is amended by inserting after subsection (1) the following subsection:

(2) Where proceedings in respect of a claim for a pecuniary sum exceeding five hundred dollars but not exceeding one thousand dollars had been instituted in a local court before the commencement of the Statutes Amendment (Jurisdiction of Courts) Act, 1981, that claim does not become a small claim by virtue of the provisions of that amending Act.

Amendment of  
s. 5b—  
Appointment  
to judicial  
office.

7. Section 5b of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (3) the passage "or a Special Magistrate";

(b) by striking out from paragraph (c) of subsection (3) the passage "who has, for not less than seven years, held a practising certificate issued under that Act" and substituting the passage "of not less than seven years standing";

and

(c) by inserting after subsection (3) the following subsection:

(3a) For the purpose of determining whether a legal practitioner has the standing required for appointment to judicial office, only—

(a) periods for which he has held a practising certificate (whether or not he simultaneously held office as a special magistrate for the whole or any part of those periods);

or

(b) periods for which he has, prior to the commencement of the Statutes Amendment (Jurisdiction of Courts) Act, 1981, held office as a special magistrate without also holding a practising certificate,

shall be taken into account.

8. Section 31 of the principal Act is amended—

Amendment of  
s. 31—  
Jurisdiction  
of courts of  
full  
jurisdiction.

(a) by striking out from paragraph I the passage “is not more than twenty thousand dollars” and substituting the passage “does not exceed the local court jurisdictional limit”;

(b) by striking out from paragraph I the passage “reduced to twenty thousand dollars or less” and substituting the passage “reduced to an amount that falls within the local court jurisdictional limit”;

(c) by striking out from paragraph II the passage “twenty thousand dollars” and substituting the passage “the local court jurisdictional limit”;

and

(d) by striking out from paragraph III the passage “twenty thousand dollars” and substituting the passage “the local court jurisdictional limit”.

9. Section 32 of the principal Act is amended by striking out the passage “two thousand five hundred dollars” wherever it occurs and substituting, in each case, the passage “the jurisdictional limit of local courts of limited jurisdiction”.

Amendment of  
s. 32—  
Jurisdiction  
of courts of  
limited  
jurisdiction.

10. Section 57 of the principal Act is amended by inserting in subsection (1) after the passage “in any action” the passage “(not being an action based upon a small claim)”.

Amendment of  
s. 57—  
Reservation of  
question of  
law.

11. Section 58 of the principal Act is amended—

Amendment of  
s. 58—  
Appeal to  
the Supreme  
Court.

(a) by striking out from paragraphs (a), (b), (c) and (d) of subsection (1) the passage “five hundred dollars” wherever it occurs and substituting, in each case, the passage “one thousand dollars”;

(b) by striking out from subsection (3) the passage “five hundred dollars” and substituting the passage “one thousand dollars”;

and

(c) by inserting in subsection (3) after the passage “any party referred to in subsection (1) of this section” the passage “(not being a party to an action based on a small claim)”.

**PART II**

Amendment of  
s. 107—  
Judgment  
by default.

**12.** Section 107 of the principal Act is amended by striking out from subsection (2) the passage “the rate of five dollars per centum per annum” and substituting the passage “the rate prescribed by rules of court”.

Amendment of  
s. 126—  
Non-appearance  
of defendant.

**13.** Section 126 of the principal Act is amended by striking out from subsection (1) the passage “the rate of five dollars per centum per annum” and substituting the passage “the rate prescribed by rules of court”.

Amendment of  
s. 152b—  
Right of  
representation.

**14.** Section 152b of the principal Act is amended by striking out from subsection (1) the passage “In any proceedings” and substituting the passage “Subject to this Part, in any proceedings”.

Amendment of  
s. 152f—  
Certain matters  
not justiciable  
under this Part.

**15.** Section 152f of the principal Act is amended by striking out from paragraph (a) of subsection (1) the passage “five hundred dollars” and substituting the passage “one thousand dollars”.

Insertion of new  
s. 152g.

**16.** The following section is inserted after section 152f of the principal Act:

Right of  
appeal.

152g. (1) A party to proceedings based upon a small claim who is dissatisfied with a judgment given in the proceedings may, by leave of a local court of full jurisdiction, appeal to that court against the judgment.

(2) Upon the appeal, the local court of full jurisdiction may confirm, vary or quash the judgment subject to the appeal and, where it quashes the judgment, may give any judgment that should, in the opinion of the court, have been given in the first instance.

(3) Proceedings relating to an appeal under this section shall be heard and determined without unnecessary formality, and may be heard, at the discretion of the court, either in open court or in chambers.

(4) A party to an application for leave to appeal, or to an appeal, under this section may, by leave of the court to which the application or appeal is made, be represented by counsel.

(5) In this section—

“judgment” includes a determination or order.

Amendment of  
s. 153—  
Execution  
against goods.

**17.** Section 153 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage “the rate of five dollars per centum per annum” and substituting the passage “the rate prescribed by rules of court”.

Amendment of  
s. 165—  
Suspension of  
execution in  
case of  
sickness, etc.

**18.** Section 165 of the principal Act is amended by striking out the passage “three hundred dollars” wherever it occurs in subsections (1) and (2) and substituting, in each case, the passage “one thousand dollars”.

Amendment of  
s. 168—  
What goods  
may be taken  
in execution.

**19.** Section 168 of the principal Act is amended by striking out the passage “sixty dollars” and substituting the passage “one hundred dollars”.

## PART II

Amendment of  
s. 175—  
Summons  
on unsatisfied  
judgment.

**20. Section 175 of the principal Act is amended—**

(a) by inserting after subsection (2) the following subsection:

(2a) For the purposes of subsection (2), a company shall be deemed to reside at the place where its registered office is situated.;

(b) by striking out paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:

(a) be in the form prescribed by rules of court;

and

(b) shall require—

(i) in the case of a summons issued against a natural person—that person to attend the court for examination;

or

(ii) in the case of a summons issued against a company—a director, secretary or other officer of the company named in the summons (the “company representative”) to attend the court for examination,

at a time fixed in the summons.;

(c) by striking out subsection (4) and substituting the following subsections:

(4) The summons shall be served by a bailiff, unless authority is obtained from a Judge or special magistrate for service by some other person.

(4a) The summons shall be served personally—

(a) where it is issued against a natural person—upon that person;

or

(b) where it is issued against a company—upon the company representative named in the summons.

(4b) A summons served under this section on a company representative shall be deemed to have been served on the relevant company.;

and

(d) by inserting after subsection (5) the following subsection:

(6) In this section and the succeeding provisions of this Part—

“company” means any body corporate:

“company representative” means the director, secretary or other officer of a company named in a summons issued against a company under this section:

“officer” of a company means officer as defined in the Companies Act, 1962-1981.

**PART II**

Amendment of  
s. 177—  
Examination in  
unsatisfied  
judgment  
summons  
proceedings.

**21. Section 177 of the principal Act is amended—**

(a) by striking out the passage “At the hearing of the summons” and substituting the passage “At the hearing of an unsatisfied judgment summons issued against a natural person”;

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsections:

(2) At the hearing of an unsatisfied judgment summons issued against a company—

(a) the company representative may be examined on oath as to—

(i) the assets and liabilities of the company;

(ii) any transactions or dealings of the company that may have affected its assets or liabilities;

and

(iii) any other matters relevant to the satisfaction of the judgment;

(b) the court may hear such evidence in relation to the matters referred to in paragraph (a) as it thinks fit;

(c) the court may order the company representative to apply moneys or property of the company (being moneys or property in the possession or control of the company representative) in or towards satisfaction of the judgment debt or to take other steps specified by the court with a view to securing satisfaction of the judgment debt;

(d) the court may order the company to pay the judgment debt at such time or in such instalments as it thinks fit.

(3) An order under subsection (2) (c) does not operate so as to make a company representative personally liable for a judgment debt of the company.

Amendment of  
s. 178—  
Power to  
commit to  
gaol.

**22. Section 178 of the principal Act is amended—**

(a) by striking out the passage “If the person so summoned attends and” and substituting the passage “Where, in proceedings upon an unsatisfied judgment summons issued against a natural person, the person summoned attends and”;

and

(b) by inserting after its present contents as amended by this section (now to be designated as subsection (1)) the following subsection:

(2) Where, in proceedings upon an unsatisfied judgment summons issued against a company, the company representative attends and—

(a) refuses to be sworn;

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**PART II**

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(b) refuses to answer questions relevant to the examination or does not answer such questions to the satisfaction of the court;

or

(c) it appears to the court that the company representative has failed, without reasonable cause, to comply with an order under section 177 (2) (c),

the court may order that he be committed to a gaol or other proper place of imprisonment named in the order for a period not exceeding forty days.

**23. Section 179 of the principal Act is amended—**

(a) by inserting after the passage “the party summoned”, where it first occurs, the passage “or, in the case of an unsatisfied judgment summons issued against a company, the company representative”;

and

(b) by striking out paragraph (b) and substituting the following paragraph:

(b) may proceed to hear and determine the proceedings in the absence of the party or company representative.

Amendment of  
s. 179—

Procedure  
where party  
summoned  
or company  
representative  
does not attend.

**24. Section 180 of the principal Act is amended by striking out from subsection (3) the passage “by the party summoned”.**

Amendment of  
s. 180—  
Warrant of  
commitment.

**25. Section 181 of the principal Act is amended by striking out from subsection (2) the passage “sixty dollars” and substituting the passage “one hundred dollars”.**

Amendment of  
s. 181—  
Compensation  
in vexatious  
cases.

**26. Section 183 of the principal Act is amended by inserting in subsection (1) after the passage “judgment debtor” the passage “or company representative”.**

Amendment of  
s. 183—  
Warrants of  
commitment  
to be issued  
to bailiff.

**27. Section 216 of the principal Act is amended by striking out from subsection (1) the passage “three thousand one hundred and eighty dollars” and substituting the passage “six thousand dollars.”**

Amendment of  
s. 216—  
Proceedings for  
recovery of  
premises and  
rent.

**28. Section 228 of the principal Act is amended by striking out from subsection (1) the passage “three thousand one hundred and eighty dollars” and substituting the passage “six thousand dollars”.**

Amendment of  
s. 228—  
Proceedings  
for recovery  
of premises  
where rent is  
one-half year  
in arrears.

**29. Section 230 of the principal Act is amended by striking out from subsections (1) and (3) the passage “twenty thousand dollars” wherever it occurs and substituting, in each case, the passage “forty thousand dollars”.**

Amendment of  
s. 230—  
Proceedings in  
ejectment where  
land is under  
Real Property  
Act.

**PART II**

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

**30. Section 259 of the principal Act is amended—**

(a) by striking out the passage “twenty thousand dollars” wherever it occurs and substituting, in each case, the passage “forty thousand dollars”;

and

(b) by striking out the passage “three thousand one hundred and eighty dollars” wherever it occurs and substituting, in each case, the passage “six thousand dollars”.

Amendment of  
s. 279—  
Powers of  
courts in  
actions.

**31. Section 279 of the principal Act is amended by striking out from paragraph (ii) of subsection (3) the passage “ninety dollars” and substituting the passage “two hundred dollars”.**

Amendment of  
s. 284—  
Order for  
examination  
of witnesses  
who are unable  
to attend at  
hearing.

**32. Section 284 of the principal Act is amended by striking out the passage “ninety dollars” and substituting the passage “two hundred dollars”.**

Amendment of  
s. 285—  
Commission for  
examination of  
witnesses out  
of State, etc.

**33. Section 285 of the principal Act is amended by striking out the passage “ninety dollars” and substituting the passage “two hundred dollars”.**

Amendment of  
s. 294—  
Court fees.

**34. Section 294 of the principal Act is amended—**

(a) by striking out subsections (1) and (2) and substituting the following subsection:

(1) The Governor may, by regulation, fix fees to be paid in respect of matters specified in the regulations;

and

(b) by inserting after subsection (3) the following subsection:

(3a) Payment of a fee prescribed under this section shall, in relation to matters declared by the regulations to be matters to which this subsection applies, be denoted by an adhesive stamp, issued by or on the authority of the Attorney-General, affixed in accordance with the regulations to process of, or a document filed in, the relevant court.

Amendment of  
s. 295—  
Practitioners  
entitled to  
costs on  
certain scale.

**35. Section 295 of the principal Act is amended by striking out from subsection (1) the passage “two thousand five hundred dollars” wherever it occurs and substituting, in each case, the passage “seven thousand five hundred dollars”.**

Amendment of  
s. 296—  
Costs as  
between  
solicitor and  
client.

**36. Section 296 of the principal Act is amended by striking out from subsection (1) the passage “two thousand five hundred dollars” wherever it occurs and substituting, in each case, the passage “seven thousand five hundred dollars”.**

Amendment of  
s. 302—  
Remedy  
against  
officers guilty  
of misconduct.

**37. Section 302 of the principal Act is amended by striking out paragraph (c) and the word “and” immediately preceding that paragraph.**



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**PART II**

- 38.** Section 328 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

Amendment of  
s. 328—  
Jurisdiction  
and powers  
of District  
Criminal Court.

(2) A District Criminal Court has no jurisdiction to try or sentence a person for a group I offence except in a case referred by the Supreme Court to a District Criminal Court for trial.

- 39.** Sections 335 and 336 of the principal Act are repealed.

Repeal of  
ss. 335 and 336.

- 40.** The following section is inserted after section 341 of the principal Act:

Insertion of  
new s. 341.

341a. A District Criminal Court, or a Judge, may remit, in whole or in part, a fee payable under the district criminal court provisions, or the rules of court under the district criminal court provisions, if it appears to the Court or Judge that the remission should, on account of the poverty of the party liable to pay the fee, or for any other reason, be granted.

Remission  
of fees.

- 41.** The third and fourth schedules to the principal Act are repealed.

Repeal of  
3rd and 4th  
schedules to  
the principal  
Act.

- 42.** The Local and District Criminal Courts Act Amendment Act, 1978, is amended—

Consequential  
amendments to  
Local and  
District  
Criminal  
Courts Act  
Amendment  
Act, 1978.

- (a) by striking out paragraphs (c) and (d) of section 3;
  - (b) by striking out paragraph (a) of section 10 and the word “and” immediately following that paragraph;
  - (c) by striking out paragraph (a) of section 11 and the word “and” immediately following that paragraph;
  - (d) by striking out section 16;
  - (e) by striking out section 18;
  - (f) by striking out section 21;
  - (g) by striking out section 25;
  - (h) by striking out paragraph (b) of section 26 and the word “and” immediately preceding that paragraph;
  - (i) by striking out section 30;
  - (j) by striking out paragraph (a) of section 33 and the word “and” immediately following that paragraph;
  - (k) by striking out section 34;
- and
- (l) by striking out section 36.

## PART III

## PART III

## AMENDMENT OF JUSTICES ACT, 1921-1981

Short titles.

43. (1) In this Part, the Justices Act, 1921-1981, is referred to as "the principal Act".

(2) The principal Act, as amended by this Part, may be cited as the "Justices Act, 1921-1981".

Amendment of  
s. 4—  
Interpretation.

44. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "minor indictable offence" and substituting the following definition:

"minor indictable offence" means—

(a) an offence declared to be, or designated or described as, a minor indictable offence by any other Act;

(b) a group III offence except—

(i) an offence against the person (other than common assault, assault occasioning actual bodily harm and unlawful and malicious wounding);

(ii) concealment of childbirth;

(iii) an offence involving interference with, damage to, or destruction of, property where the loss resulting from the commission of the offence exceeds \$2 000;

or

(iv) any other offence relating to property, the value of which exceeds \$2 000;

or

(c) an offence against section 136, 137, 138, 169, 170, 171, 173, 174, 175, 176, 177, 178, 184, 196 or 197a of the Criminal Law Consolidation Act, 1935-1981, not being an offence relating to property, the value of which exceeds \$2 000;

and

(b) by striking out from the definition of "simple offence" in subsection (1) the passage "but does not include an indictable offence which can only be heard and determined in a summary way as a minor indictable offence" and substituting the passage "but does not include a minor indictable offence".

Powers  
conferred  
on special  
justice.

45. Section 5 of the principal Act is amended—

(a) by striking out from subsection (2) the passage "subsections (3), (4) and (5) of this section" and substituting the passage "subsection (3)";

and

(b) by striking out subsections (4) and (5).

Amendment of  
s. 75—  
Fine in lieu of  
imprisonment.

46. Section 75 of the principal Act is amended by striking out from subsection (7) the passage "two hundred dollars" and substituting the passage "two thousand dollars".

Amendment of  
s. 81—  
Term of  
imprisonment  
in default of  
payment of  
fine.

47. Section 81 of the principal Act is amended by striking out from subsection (2) the passage "ten dollars", wherever it occurs, and substituting, in each case, the passage "twenty-five dollars".

## PART III

48. Section 106 of the principal Act is amended by striking out subsection (8). Amendment of s. 106—  
Receipt of evidence on preliminary examination.
49. Section 106a of the principal Act is repealed. Repeal of s. 106a.
50. Section 108 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:— Amendment of s. 108—  
Examination of witnesses.
- (2) Where a witness is examined orally, his deposition—
- (a) shall be recorded in writing;
- (b) shall be read over by, or read over to, the witness;
- and
- (c) shall be signed by the witness and the justice.
51. Section 109 of the principal Act is amended by striking out paragraph (a) of subsection (3). Amendment of s. 109—  
Procedure on completion of evidence for prosecution.
52. Section 120 of the principal Act is repealed and the following section is substituted: Repeal of s. 120 and substitution of new section.
120. A court of summary jurisdiction constituted of a special magistrate has, subject to this Act, jurisdiction to hear and determine, in a summary way, a charge in respect of a minor indictable offence. Jurisdiction of courts of summary jurisdiction in relation to minor indictable offences.
53. Section 121 of the principal Act is repealed. Repeal of s. 121.
54. Section 122 of the principal Act is repealed and the following section is substituted: Repeal of s. 122 and substitution of new section.
122. (1) Subject to this Act, the procedure and powers of a court of summary jurisdiction in relation to the hearing and determination of a charge of a minor indictable offence shall be the same as if the charge were a complaint of a simple offence. Procedure and powers of court in relation to charges of minor indictable offences.
- (2) At any time in the course of proceedings in respect of a minor indictable offence up to and including the completion of the case for the prosecution, the defendant may elect to be tried upon indictment and upon the making of that election the court shall not proceed to convict the defendant but may commit him for trial upon indictment.
- (3) If it appears to the court that the offence, by reason of its seriousness, the intricacy of the facts in issue, the difficulty of any questions of law likely to arise at the trial, or for any other reason, ought to be tried upon indictment, it shall not proceed to convict the defendant but may commit him for trial upon indictment.
- (4) Where a defendant appears before a court of summary jurisdiction charged with a minor indictable offence, the court shall, if the defendant does not elect to be tried upon indictment, inform him, at the completion of the case for the prosecution, whether or not it proposes to deal with the case in a summary way.

**PART III**

(5) If the defendant elects to be tried on indictment, or the court determines not to deal with the case in a summary way, the proceedings shall continue as a preliminary examination.

(6) In proceedings before a court of summary jurisdiction relating to a minor indictable offence, the deposition of any witness for the prosecution—

- (a) shall be recorded in writing;
- (b) shall be read over by, or read over to, the witness;
- and
- (c) shall be signed by the witness and the special magistrate.

Repeal of  
s. 124 and  
substitution  
of new section.

**55.** Section 124 of the principal Act is repealed and the following section is substituted:

Procedure  
to be  
followed where  
person charged  
appears before  
a justice.

124. Where a person appears before a justice (not being a special magistrate) charged with a minor indictable offence, the justice shall remand him in custody or on bail to appear before a court of summary jurisdiction constituted of a special magistrate.

Repeal of  
ss. 125 and  
126.

**56.** Sections 125 and 126 of the principal Act are repealed.

Amendment of  
s. 129—  
Powers of  
court as to  
punishment  
for minor  
offences.

**57.** Section 129 of the principal Act is amended—

- (a) by striking out from subsection (2) the passage “justices or a special magistrate have or has” and substituting the passage “a court of summary jurisdiction has”;
- (b) by striking out from subsection (2) the passage “two hundred dollars” and substituting the passage “two thousand dollars”;
- (c) by striking out from subsection (3) the passage “, whether by a court of summary jurisdiction or the Supreme Court,”;
- (d) by striking out from subsection (3) the passage “two hundred dollars” and substituting the passage “two thousand dollars”;
- and
- (e) by inserting after subsection (3) the following subsections:

(4) Where a person is convicted of a minor indictable offence by a court of summary jurisdiction, and the court is of the opinion that the convicted person cannot be adequately punished by the court by reason of limitations on the power of the court imposed by this section, the court may remand the convicted person in custody or on bail to appear for sentence before a District Court at a time and place fixed by the court of summary jurisdiction.

(5) Where a person is remanded under subsection (4) to appear before a District Court that Court may—

- (a) sentence him for the offence of which he was convicted by the court of summary jurisdiction;
- and
- (b) exercise any powers in relation to the convicted person that would have been available to the Court if he had been convicted in proceedings before the Court.

## PART IV

AMENDMENT OF CRIMINAL LAW CONSOLIDATION  
ACT, 1935-1980

58. (1) In this Part, the Criminal Law Consolidation Act, 1935-1980, is referred to as "the principal Act". Short titles.

(2) The principal Act, as amended by this Part, may be cited as the "Criminal Law Consolidation Act, 1935-1981".

59. The following heading and section are inserted after section 281 of the principal Act:

Insertion of  
new heading  
and s. 281a.

*Change of Forum*

281a. (1) Where a person has been committed for trial in the Supreme Court, and the Court is of the opinion that the trial of the defendant might be appropriately conducted by a District Court, the Supreme Court may, of its own motion, or on the application of the Attorney-General or the defendant, direct that the case be referred to a District Court and, where such a direction is given, the District Court to which the case is referred shall hear and determine the case as if the defendant had been committed for trial in that District Court.

Change of  
forum.

(2) A direction shall not be given under subsection (1) in respect of a case involving a charge of treason, murder, attempted murder, rape or armed robbery.

(3) Where a person has been committed for trial in a District Court, and the Supreme Court is of the opinion that the trial should be conducted by the Supreme Court, the Supreme Court may, on the application of the Attorney-General or the defendant, direct that the case be referred to the Supreme Court and, where such a direction is given, the Supreme Court shall hear and determine the case as if the defendant had been committed for trial in the Supreme Court.

(4) In determining whether to make a direction under subsection (1) or (3) the Supreme Court shall have regard to—

- (a) the gravity of the offence or offences;
- (b) the complexity or otherwise of the evidence to be given at the trial;
- (c) the difficulty or uncertainty of the law involved or likely to be involved at the trial;
- (d) the views (so far as they have been expressed) of the parties to the proceedings;
- and
- (e) the circumstances of the case generally.

60. The following heading is inserted before section 282 of the principal Act:

Enactment of  
new heading.

*Saving and transitional provisions*

**PART V**

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**PART V****AMENDMENT OF COMPANIES ACT, 1962-1981****Short titles.**

**61. (1)** In this Part, the Companies Act, 1962-1981, is referred to as "the principal Act".

**(2)** The principal Act, as amended by this Part, may be cited as the "Companies Act, 1962-1981".

**Repeal of  
s. 390.**

**62.** Section 390 of the principal Act is repealed.

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

K. D. SEAMAN, Governor