

No. , 1912.

A BILL

For the better protection of infants and persons of unsound mind in regard to certain settlements and compromises; and for purposes consequent thereon or incidental thereto.

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. This Act may be cited as the “Infants (Settlement of Short title. Damages) Act, 1912.”

2. Where, in any action or matter in any court, money or damages or compensation is claimed by or on behalf of an infant or a person of unsound mind, not being an insane person or an insane patient within the meaning of the Lunacy Act, 1898, the following provisions shall apply:—

(a) No settlement, or compromise of, or acceptance of money paid into court in such action or matter (whether before, at, or after trial) shall be valid without the sanction of the court or a judge thereof.

Infants (Settlement of Damages).

- (b) No money, damages, or compensation recovered in such action or matter, by settlement, compromise, or payment into court (whether before, at, or after trial), shall be paid to the plaintiff, or to his next friend or solicitor, unless the court or a judge thereof so directs.
- (c) All money, damages, or compensation so recovered shall, unless the court or a judge thereof otherwise directs, be paid into court to the credit of an account intituled in the action or matter.
- (d) Any sum so paid into court may either be invested or be paid from time to time out of court to such person as the court or a judge thereof directs, to be held and applied for the maintenance and education or otherwise for the benefit of the plaintiff, in such manner as the court or a judge thereof from time to time directs.

3. Where money or damages or compensation is claimed by or on behalf of an infant or a person of unsound mind, not being an insane person or an insane patient within the meaning of the Lunacy Act, 1898, no settlement or compromise of such claim shall be valid, and no payment of money, damages, or compensation shall operate as a discharge or satisfaction of such claim without the sanction of the Supreme Court, or a District Court, or of a judge of any such court.

Application for such sanction may be made in a summary way, and the court or the judge may make such order as may be thought just with regard to the payment of any money payable in pursuance of such settlement, compromise, discharge, or satisfaction, and may order that it be invested, held, and applied in such manner as may be thought fit, for the benefit of the infant or person of unsound mind.

