

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, December, 1910. }*

Clerk of the Legislative Assembly.

New South Wales.



ANNO PRIMO

GEORGII V REGIS.

Act No. , 1910.

An Act to amend the Public Works Act, 1900.

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:—

5 **1.** This Act may be cited as the "Public Works (Costs) Act, Short title. 1900."

2. Subsection one of section ninety-nine of the Public Works Act, 1900, is repealed, and the following subsection substituted therefor:— Amendment of s. 99 of Public Works Act, 1900.

10 **99.** (1) The following provisions shall apply to the costs of any action of compensation tried under the provisions of this division of this Act:— Costs of action, how determined.

(a) Where the verdict is for a sum equal to or less than the amount of the valuation notified to the claimant, such claimant shall pay the costs of such action.

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(b)

Public Works (Costs).

(b) Where the verdict is for a sum equal to or greater than the amount claimed, the Constructing Authority shall pay such costs.

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(c) Where the verdict is for a sum greater than the amount of the valuation notified as aforesaid, but less than the amount claimed, the Constructing Authority shall pay to the claimant, as costs, the amount to be fixed by multiplying the claimant's costs by a fraction of which the numerator is the amount by which the value determined by the verdict exceeds the amount of the valuation notified as aforesaid, and the denominator is the difference between the amount claimed and the amount so notified.

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3. Subsections one and two of section one hundred and eleven of the Public Works Act, 1900, are hereby repealed and the following subsection substituted therefor:—

Repeal of s. 111 of
Public Works Act,
1900.

111. (1) The following provisions shall apply to the costs of any such arbitration:—

Costs of arbitration,
how determined.

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(a) Where the sum awarded by the arbitrators is equal to or less than the amount offered by the Constructing Authority, the claimant shall pay the costs of and incidental to the arbitration as settled by the arbitrators.

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(b) Where the sum so awarded is equal to or greater than the amount claimed, the Constructing Authority shall pay the costs of and incidental to the arbitration so settled as aforesaid.

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(c) Where the sum so awarded is greater than the amount offered by the Constructing Authority, but less than the amount claimed, the Constructing Authority shall pay to the claimant, as costs, the amount to be fixed by multiplying the claimant's costs so settled as aforesaid by a fraction of which the numerator is the amount by which the sum awarded exceeds the amount offered as aforesaid, and the denominator is the difference between the amount claimed and the amount so offered.

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4. This Act shall not apply to any action or any proceedings in arbitration pending at its commencement.

Saving as to
pending matters.