

JUSTICES.

 No. 83 of 1965.

AN ACT to amend the Justices Act, 1902-1964.

[*Assented to 7th December, 1965.*]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Justices Act Amendment Act, 1965.*

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Acts
approved for
reprint 1st
December,
1958 and
amended by
Acts Nos.
7 of 1959,
29 of 1961,
24 of 1962,
10 of 1964
and 77 of
1964.

(2) In this Act the Justices Act, 1902-1964 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1965.

2. This Act shall come into operation on a date to be fixed by proclamation. Commence-
ment.

3. Section fifty-six of the principal Act is amended by substituting for the word "A" being the first word in the section, the passage, "Subject to section fifty-six A of this Act, a". S. 56
amended.

4. The principal Act is amended by adding after section fifty-six a section as follows— S. 56A
added.

56A. (1) Notwithstanding the provisions of section fifty-six of this Act, any summons requiring a person to appear at a time and place therein specified before Justices to answer the complaint for a simple offence against— Power
to serve
summons
relating to
certain
offences
by post.

(a) the Traffic Act, 1919;

(b) any Act prescribed for the purposes of this section; or

(c) any regulation, rule, by-law or order made under the Traffic Act, 1919 or any Act so prescribed,

may be served upon the person to whom it is directed by posting not less than fourteen days before the return day by prepaid registered post, a true copy of the summons in an envelope addressed to that person at his last known place of residence or business. Vide Act
No. 30 of
1918, s. 31
(4).

(2) Without prejudice to the operation of subsection (1) of this section, in the absence of any circumstances making it appear that the person to whom the summons is directed resides or carries on business elsewhere, where the offence specified in the summons— Address for
service.

(a) arises out of the driving or use of a motor vehicle, the address appearing as the address of that person in the

driver's license, if any, produced by him at the time of the alleged offence or upon any investigation thereof;

- (b) is an offence alleged to have been committed by the person to whom the summons is directed as the owner of a motor vehicle, the address appearing as the address of that person as owner in the vehicle license for the motor vehicle, for the time being in force;
- (c) is an offence against any Act prescribed for the purposes of this section or against any regulation, rule, by-law or order made under that Act, the address appearing as his address in any license, registration or prescribed document for the time being in force, whether of himself or any premises of which he is the owner or occupier, and which that person holds or has effected or been given pursuant to the Act by or under which the offence he is alleged in the summons to have committed was constituted,

shall be deemed and taken to be the last known place of residence or business of the person to whom the summons is directed.

(3) A summons posted to a person to whom it is directed pursuant to this section shall be posted—

- (a) by an officer of the Court of Petty Sessions before which the person is required by the summons to appear; or
- (b) by the person who made the complaint in respect of which the summons is issued or by a person authorised in writing to post the summons by the first mentioned person.

(4) The Justices hearing the complaint to which the summons relates—

- (a) may accept as proof of service a certificate of the officer or any person referred to in paragraph (a) or (b) of subsection (3) of this section of the due posting by him of the summons in accordance with this section;
 - (b) shall not impose a sentence of imprisonment in respect of the offence mentioned in the complaint unless and until the person to whom the summons is directed is personally before the Justices.
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