

JUSTICES.

13 Elizabeth II., No. X.

No. 10 of 1964.

AN ACT to amend the Justices Act, 1902-1962.

[Assented to 2nd October, 1964.]

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, 1964.*

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Vol. 13 of the
Reprinted
Acts,
approved
for reprint 1st
December,
1958.
Amended by
Acts Nos.
7 of 1959,
29 of 1961 and
24 of 1962.

(2) In this Act the Justices Act, 1902-1962 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1964.

2. Section one hundred and ninety-seven of the principal Act is repealed and re-enacted as follows—

S. 197
repealed and
re-enacted.

197. When—

Order to
review.

(a) a person who feels aggrieved as complainant, defendant, or otherwise by the decision of any Justices shows, by affidavit to a Judge sitting in Court or chambers, a *prima facie* case of error or mistake in law or fact on the part of the Justices, or that the Justices had no jurisdiction to give the decision or exceeded their jurisdiction in giving the decision, or that the penalty or sentence imposed was, according as the person aggrieved may allege, inadequate or excessive in the circumstances of the case; or

(b) a person who has been convicted by Justices after he has pleaded guilty or a person against whom an order has been made by Justices after he has admitted the truth of the complaint shows, by affidavit to the satisfaction of such Judge so sitting, that in the circumstances of the case there are reasons which are sufficient to show that the decision of the Justices in convicting the person or making the order should be reviewed,

See s. 183.

the Judge may, except where the person has the right of appeal under section one hundred and eighty-three of this Act, but otherwise, whether any other remedy is provided by law or not, within two months from the giving of the decision, grant the applicant (hereinafter called "the appellant") an order (hereinafter called "an order to review") calling upon the party interested in maintaining the decision, and also, if the Judge for any special reason so directs, upon the Justices to show cause, at a time to be specified in the order to review or so soon thereafter as the matter can come on for hearing, why the decision should not be reviewed.