

CRIMINAL CODE.

5° Elizabeth II., No. XI.

No. 11 of 1956.

AN ACT to amend the Criminal Code.

[Assented to 11th October, 1956.]

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 *Criminal Code Amendment Act, 1956.*

(2) In this Act

“Code” means the Criminal Code set forth in the Schedule to the Criminal Code Act, 1913, set forth in Appendix B to the Criminal Code Act Compilation Act, 1913, Act No. 28 of 1913, as reprinted with amendments to and including Act No. 73 of 1954 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938.

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Approved for
reprint,
29th June,
1955.

2. Section five hundred and seventy-four of the Code is amended—

S. 574 of the
Code
amended.

- (a) by adding before the words, "The procedure" in line one, the subsection designation, "(1)";
- (b) by adding before the words, "A prosecution" in line seven, the subsection designation, "(2)";
- (c) by deleting the passage, "or for an indictable offence, in order to the summary conviction of the offender" in lines seven, eight, and nine; and
- (d) by adding the following subsection:—

(3) (a) In this subsection

"offence" means an indictable offence, whether committed before or after the coming into operation of the Criminal Code Amendment Act, 1956, and punishable on summary conviction.

(b) Except as provided otherwise by paragraph (c) of this subsection, a prosecution for an offence may be commenced at any time.

(c) Where a limitation of time is expressly prescribed, whether before or after the coming into operation of the Criminal Code Amendment Act, 1956, for the commencement of a prosecution of an offence, a prosecution for the offence must be commenced, subject to paragraph (d) of this subsection, within that limitation.

(d) The limitation of six months prescribed by section fifty-one of the Justices Act, 1902, does not apply in the case of a prosecution for an offence according to the meaning given to the expression, offence, by paragraph (a) of this subsection.