

CRIMINAL CODE

3° Elizabeth II., No. XX.

No. 20 of 1954.

AN ACT to amend The Criminal Code.

[Assented to 28th September, 1954.]

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:—

1. This Act may be cited as the *Criminal Code Amendment Act, 1954*, and shall be read as one with The Criminal Code as contained in the Schedule to the Criminal Code Act, 1913 (Act No. 28 of 1913) and as amended by Acts Nos. 32 of 1918, 51 of 1932, 15 of 1942, 40 of 1945, 27 of 1952 and 55 of 1953, in this Act referred to as "the Code." Short title.

2. Section three hundred and seventy-one of the Code is amended by— S. 371 amended.

- (a) substituting for the words "anything capable of being stolen" in line three of subsection (1) the words "any property":

- (b) adding after the word “thing” in line four of subsection (1) the words “or that property”;
- (c) deleting the words “or converts” in line one of subsection (2);
- (d) adding after the word “stolen” in line two of subsection (2) the words “or converts any property”;
- (e) substituting for the words “of it” in line two of paragraph (a) of subsection (2) the words “or property of it or any part of it”;
- (f) substituting for the words “of such” in line two of paragraph (b) of subsection (2) the words “or property of such special”;
- (g) adding after the word “thing” in paragraph (c) of subsection (2) the words “or property”;
- (h) adding after the word “thing” in lines nineteen and twenty of subsection (2) the words “or property”.
- (i) substituting for the word “thing” in line two of subsection (4) the word “property” and adding after the word “possession” in line three of that subsection the words “, control or management”;
- (j) substituting for the words “a thing” in line one of subsection (5) the words “the property”;
- (k) substituting for the word “thing” in line four of subsection (5) the word “property”;
- (l) adding a subsection as follows:—
 - (7) In this section, “property” includes any description of real and personal property, money, debts, bank credits, and legacies and all deeds and instruments

relating to or evidencing the title or right to any property or giving a right to recover or receive any money or goods and also includes not only such property as has been originally in the possession or in the control of any person but also any property in which or for which it has been converted or exchanged and anything acquired by the conversion or exchange, whether immediately or otherwise.

3. Section four hundred and fourteen of the Code is amended by— S. 414
amended.

(a) substituting for the word “anything” in line one the words “any property”;

(b) adding a paragraph as follows:—

In this section “property” as well as having the same meaning as that expression has in section one of the Code, includes not only such property as has been originally in the possession or under the control of any person, but also any property into or for which it has been converted or exchanged and anything acquired by the conversion or exchange whether immediately or otherwise.

4. Section four hundred and eighty-six of the Code is amended by— S. 486
amended.

(a) inserting after the section number “486” the figure “1” in brackets thus—(1);

(b) adding the following subsection:—

(2) If on the hearing before justices of a charge made under this section the justices are of opinion that a case has been made out against the accused person but that the case is of a trivial nature or in the circumstances of the case the

offender may be adequately punished upon summary conviction, the justices may ask him whether he desires to be tried by a jury or consents to the charge being dealt with summarily and if the accused person so consents he may be summarily convicted before two justices and is liable on the conviction to a fine of one hundred pounds.

S. 579
amended.

5. Section five hundred and seventy-nine of the Code is amended by adding after the word "not" in line four the words "and thereupon subject to section five hundred and eighty of the Code the accused shall be dealt with in all respects and the indictment and proceedings upon it are subject to the same procedure as if the accused person had been committed for trial in respect of the indictable offence alleged by the indictment to have been committed by him".

S. 585
amended.

6. Section five hundred and eighty-five of the Code is amended by adding after the word "that" in line three the words "when several distinct indictable offences form or are a part of a series of offences of the same or a similar character or".

S. 586
amended.

7. Section five hundred and eighty-six of the Code is amended by adding a subsection after subsection (4) as follows:—

(4a) (a) Charges of breaking and entering with intent to commit a crime under any of the provisions of sections four hundred and one to four hundred and six of the Code inclusive where the crime alleged to have been intended and committed by the accused is stealing any property and of receiving the same property or any part thereof, knowing it to have been stolen, may be joined in the same indictment and the accused person may according to the evidence be convicted either of the charge of breaking and entering or of the charge of receiving.

(b) When such an indictment is preferred against two or more persons all or any of the accused persons may, according to the evidence, be convicted either of the charge of breaking and entering or of the charge of receiving, or, according to the evidence, one or more of them may be convicted of the charge of breaking and entering and the other or others of them of the charge of receiving.

8. Subsection (2) of section six hundred and eighty-eight of the Code is amended by adding a paragraph as follows:—

S. 688
amended.

(d) against any sentence which in the circumstances of the case cannot lawfully be passed on the convicted person for the offence of which he stands convicted.

9. Subsection (3) of section six hundred and eighty-nine of the Code is amended by adding after the word “appellant” in line five the words “or an accused person”.

S. 689
amended.

10. Section seven hundred and twenty-two of the Code is amended by—

S. 722
amended.

(a) deleting the words “appear and” in line four;

(b) substituting for the words “enter an appearance” in lines five and six the words “file a defence”.

11. Section seven hundred and twenty-three of the Code is amended by—

S. 723
amended.

(a) adding after the section number “723” the figure “1” in brackets thus—(1);

(b) deleting the words “enter an appearance and” in line two;

(c) adding a subsection as follows:—

(2) The plea in writing shall contain an address for service of notices and other documents required to be served on the accused person.

S. 729
amended.

12. The first paragraph of section seven hundred and twenty-nine of the Code is amended by substituting for all words after the word “indictment” in lines three and four the words “subject to section five hundred and eighty of the Code, the accused person shall be dealt with in all respects and the indictment and the proceedings upon it are subject to the same procedure as if the accused person had been committed for trial for the offence charged in the indictment.”
