

JUSTICES.

12° GEO. VI., No. XXIX.

No. 29 of 1948.

AN ACT to amend the Justices Act, 1902-1942.

[Assented to 9th December, 1948.]

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 Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the *Justices Act Amendment Act, 1948*, and shall be read as one with the Justices Act, 1902-1942 (Act No. 11 of 1902 as reprinted with all amendments up to and including No. 11 of 1936 in the Appendix to the Sessional Volume of the Statutes for the year 1936, and as further amended by Act No. 14 of 1942), hereinafter referred to as the principal Act.

Short title
Of. No. 14 of
1942, s. 3.

2. The principal Act as amended by this Act may be cited as the Justices Act, 1902-1948.

Citation of
principal Act
as amended.

3. Section one hundred and eighty-three of the principal Act is amended by deleting the whole of paragraphs (1) and (2) in lines seven to twelve, and inserting in lieu thereof the paragraphs following:—

Amendment
of s. 183.

- (a) The appeal shall be made to a Judge at Perth.
- (b) A Judge may, on the application of a party to the appeal, order that the appeal shall be made to a Judge in a Circuit District and at a time to be named in the order; and, on the order being made, the appeal shall, for the purposes of the remaining sections of this Act, be deemed to have been made to the Court named in the order, and the consequences shall be the same in all respects and with regard to all persons as if the appeal had been so made.

Amendment
of s. 185.

4. Section one hundred and eighty-five of the principal Act is amended by deleting the words "in the Court to which the appeal is made" in line two, and inserting in lieu thereof the words "by a Judge in Perth."

Amendment
of s. 187.

5. Section one hundred and eighty-seven of the principal Act is amended as follows:—

- (a) By deleting the words "instead of entering into a recognisance" in line eleven, and inserting in lieu thereof the words "in addition to entering into a recognisance but instead of procuring sureties thereto"; and
- (b) by deleting the word "Twenty" in line two of the first proviso to that section, and inserting in lieu thereof the word "Twenty-five."

Amendment
of s. 188.

6. Section one hundred and eighty-eight of the principal Act is amended as follows:—

- (a) By deleting the words "or giving such other security as aforesaid" in line three, and inserting in lieu thereof the words "and, where applicable, procuring sureties or giving security as provided by the last preceding section"; and
- (b) by inserting after the word "recognisance" in line six the words "and, where applicable, procures sureties".

Amendment
of s. 197.

7. Section one hundred and ninety-seven of the principal Act is amended by deleting the words "the Judge may" in line eight, and inserting in lieu thereof the words "or that the penalty or sentence imposed was (according as the person aggrieved may allege) inadequate or excessive in the circumstances of the case, the Judge may, except where the person aforesaid has a right of appeal under section one hundred and eighty-three of this Act, but otherwise".

Amendment
of s. 200.

8. Section two hundred of the principal Act is amended as follows:—

(a) By deleting the word "twenty" in lines five and seventeen, and inserting in lieu thereof in each case the word "twenty-five"; and

(b) by inserting after the word "delay" in line seven the words "to appear before the Court to which the appeal is made".

9. Section two hundred and one of the principal Act is amended by deleting all words after the word "liberated" in line four. Amendment of s. 201.

10. Section two hundred and five of the principal Act is amended by adding thereto a further proviso as follows:— Amendment of s. 205b.

Provided further that the power to vary or amend the order or conviction founded upon the decision appealed against shall include a power to vary, reduce or increase the penalty or sentence imposed by the Justices upon such order or conviction.

11. Section two hundred and six b of the principal Act is amended by inserting after the word "sections" in line three the words "one hundred and eighty-three to two hundred and six a both inclusive." Amendment of s. 206b.

12. Section two hundred and nineteen of the principal Act is amended by adding thereto a proviso as follows:— Amendment of s. 219.

Provided that where, on an appeal brought by a police officer, the decision appealed against is confirmed, or, if not confirmed, has involved, in the opinion of the Court or Judge hearing the appeal, a point of law of exceptional public importance, costs may be allowed to the respondent. Such costs shall not be recoverable from the police officer, but the Registrar of the Supreme Court shall, in any case where costs are so allowed, give to the respondent a certificate sealed with the seal of the Supreme Court showing the amount of such costs, and, on production of the certificate to the Treasurer, the respondent shall be paid such amount out of the Consolidated Revenue Fund.