

CRIMINAL CODE.

9° and 10° GEO. VI., No. XL.

No. 40 of 1945.

AN ACT to make provision in the Criminal Code for a special penalty where death to a person is caused by the negligent use of a vehicle; to amend section six hundred and sixty-two of the Criminal Code; and for other purposes incidental thereto.

[Assented to 30th January, 1946.]

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 *Criminal Code Amendment Act, 1945*, and shall be read as one with the Criminal Code as contained in the Schedule to the Criminal Code Act, 1913 (No. 28 of 1913), as amended, hereinafter referred to as "the Code." Short title.

2. A section is inserted in the Code, after section two hundred and ninety-one and in the same chapter as that section, as follows: Reckless or dangerous driving.

291A. (1) Any person who has in his charge or under his control any vehicle and fails to use reasonable care and take reasonable precautions in the use and management of such vehicle whereby death is caused to another person is guilty of a crime and liable to imprisonment with hard labour for five years.

(2) This section shall not relieve a person of criminal responsibility for the unlawful killing of another person.

Amendment
of s. 595 of
the Code.

3. Section five hundred and ninety-five of the Code is amended by adding at the end thereof a further proviso as follows:—

Provided also that upon an indictment charging a person with the crime of manslaughter he may be convicted of a crime under section two hundred and ninety-one A hereof, if that crime is established by the evidence.

Amendment
of s. 662 of
the Code.

4. Section six hundred and sixty-two of the Code (inserted by the Act No. 32 of 1918, s. 27) is amended by deleting therefrom the words “apparently of the age of eighteen years or upwards” in lines one and two of the said section.