

WESTERN AUSTRALIA

ANNO TRIGESIMO NONO

VICTORIÆ REGINÆ

No. 20

An Act to amend the Law concerning the Remission of Penalties. [Assented to 3rd January, 1876.]

WHEREAS by divers Acts and Ordinances penalties are made payable in whole or in part to parties other than the Crown, and the said penalties cannot, so far as they are payable to other parties, as aforesaid, be remitted or pardoned by the Crown where no express provision has been made for that purpose by the Act or Ordinance imposing the same, and it is expedient that the Crown should have in all cases power to remit all penalties imposed: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:—

Preamble

1. It shall be lawful for Her Majesty, or for the Governor or other Officer administering the Government of this Colony, duly commissioned by Her Majesty, to remit any fines or penalties that have become due and payable to Her Majesty, to remit in whole or in part any sum of money which, under any Ordinance or Act now in force or hereafter to be passed, may be imposed as a penalty or forfeiture on a convicted offender, although such money may be in whole or in part payable to some party other than the Crown, and to extend the prerogative of mercy to any person who may be imprisoned for non-payment of any sum of money so imposed, although the same may be in whole or in part payable to some party other than the Crown. In case any such penalty be remitted, in whole or in part, the party to whom the same was payable, in whole or in part, as aforesaid, shall be entitled only to such portion or share of a portion of the said penalty as may not have been remitted.

Penalties for offences may be remitted by the Governor, although payable to parties other than the Crown

2. In all cases in which any fine or penalty is inflicted under any Act or Ordinance by which such fine or penalty is made payable in whole or in part to parties other than the Crown, the Justice or Justices inflicting such fine or penalty shall, in case such fine or penalty be paid,

When fine or penalty paid, Justices to retain the same for one month

Justices of the Peace, &c.

retain the same, and shall not pay over any part thereof to any person entitled thereto, until after the expiration of one calendar month from payment of the same.

WILLIAM C. F. ROBINSON,
GOVERNOR.
