

## JUSTICES.

---

No. 48 of 1971.

---

AN ACT to amend sections eighty-two, one hundred and thirty-five and one hundred and sixty-seven of the Justices Act, 1902-1968.

[Assented to 10th December, 1971.]

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. (1) This Act may be cited as the *Justices Act Amendment Act, 1971*.

Short title  
and citation.

(2) In this Act the Justices Act, 1902-1968 is referred to as the principal Act.

Vol. 21 of  
Reprinted  
Acts.

(3) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1971.

Approved for  
reprint 30th  
November,  
1967 and  
further  
amended by  
Act No. 22  
of 1968.

Repeal and re-enactment of s. 82.

(Bail of defendant during examination.)

2. Section 82 of the principal Act is repealed and re-enacted as follows—

82. Instead of the defendant being remanded in custody, or remaining in custody pursuant to being so remanded, any one Justice before whom the defendant appears or is brought may, notwithstanding the provisions of sections seventy-nine, eighty, and eighty-one of this Act relating to the remand of the defendant in custody but otherwise subject to this Act, order his discharge upon recognisance to appear at the time and place specified in the recognisance, which time may, if the Justice thinks fit, exceed eight clear days, but shall not, unless the defendant consents thereto, exceed thirty clear days. .

Amendment to s. 135.

(Hearings in absence of defendant.)

3. Section 135 of the principal Act is amended by adding after subsection (2) a subsection as follows—

(2a) For the purposes of subsection (2) of this section an affidavit may be taken by, and made and sworn before, any Magistrate, Justice, Clerk of Petty Sessions appointed under section twenty-five A of this Act, or Commissioner for taking Affidavits appointed under section one hundred and seventy-five of the Supreme Court Act, 1935. .

4. Subsection (1) of section 167 of the principal Act is repealed and re-enacted as follows—

Amendment to s. 167.

(Scale of imprisonment for non-payment of money.)

(1) The period of imprisonment to be inserted in a warrant of commitment issued under section one hundred and fifty-seven or one hundred and fifty-eight of this Act shall be calculated at the rate of one day for every five dollars payable and also for any fractional part of five dollars payable. .