



Western Australia

## **Magisterial Districts Act 1886**

Compare between:

[15 Dec 2003, 01-b0-03] and [01 May 2005, 01-c0-07]



## **Magisterial Districts Act 1886**

### **An Act to provide for the constitution of Magisterial Districts.**

#### **Preamble**

Whereas different portions of the Colony have heretofore been declared by notice in the *Government Gazette* under the authority of the Governor, to be Magisterial Districts, and such districts are referred to in various Ordinances and Acts of the Legislature and in other public documents, and doubts have arisen as to the legal constitution of such districts and whether the same can in all or any cases be judicially noticed; and whereas it is expedient to remove such doubts and to make provision for the legal constitution of Magisterial Districts: 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: —

#### **1. Governor may proclaim Magisterial Districts, etc.**

It shall be lawful for the Governor at any time and from time to time, by proclamation, to do any one or more of the following acts: —

- (a) To declare any portion of the Colony to be a “magisterial district”, and by such proclamation to name such district so declared.
- (b) To declare and name new magisterial districts wholly without or wholly within or partly without and partly within the limits of magisterial districts then in existence.

- (c) To alter the boundaries of magisterial districts, either by separating part of a magisterial district from and declaring that it shall no longer form part of a magisterial district or by adding to a magisterial district other land, whether theretofore included or not within the limits of a magisterial district.
- (d) To cancel the proclamation of a magisterial district.
- (e) To alter the name of a magisterial district.

**2. Publication and contents of proclamation**

Every proclamation to be issued under the provisions of this Act shall be published at least once in the *Government Gazette*, and shall define the boundaries of any magisterial district thereby declared, and also in case of an alteration of boundaries of a magisterial district the boundaries of the piece proposed to be separated or added shall be described.

**3. Interpretation of “District of a Resident, Police, or Government Resident Magistrate”**

Wherever in any Ordinance, Act, or Law of the Colony, or in any public notice, rule, regulation, local law, by-law, proclamation, or official document whatever, the district of a Resident Magistrate, Police Magistrate, or Government Resident Magistrate is mentioned or referred to, such district shall be taken and construed to mean the portion of the Colony heretofore declared and designated by notice in the *Government Gazette* under the authority of the Governor to be a magisterial district, or hereafter to be proclaimed and designated under the provisions of this Act to be a magisterial district, and for which a Resident Magistrate, Police Magistrate, or Government Resident Magistrate (as the case may be) has been or may hereafter be nominated and appointed by authority; and wherever as aforesaid the Resident Magistrate, Police Magistrate, or Government Resident Magistrate of a district is mentioned or referred to, such Magistrate shall be taken and construed to mean the Resident Magistrate, Police Magistrate,

or Government Resident Magistrate (as the case may be) nominated and appointed to be the Resident Magistrate, Police Magistrate, or Government Resident Magistrate of a magisterial district heretofore declared and designated as aforesaid, or hereafter to be proclaimed and designated under the provisions of this Act.

*[Section 3 amended by No. 14 of 1996 s. 4.]*

**4. Interpretation of “Magisterial District”**

The words “**Magisterial District**”, wherever the same occur in any Ordinance, Act, or Law of the Colony, or in any public notice, rule, regulation, local law, by-law, proclamation, or other official document whatever, shall be taken and construed to mean a magisterial district heretofore declared and designated as aforesaid, or hereafter to be proclaimed and designated under the provisions of this Act.

*[Section 4 amended by No. 14 of 1996 s. 4.]*

**5. Evidence of proclamation and declaration of Magisterial District**

Every proclamation under the provisions of this Act, and every declaration and designation of a magisterial district heretofore made, may be proved by production of a copy of the *Government Gazette* containing the same respectively.

**6. Short title**

This Act may be cited as the *Magisterial Districts Act 1886*.

*[Section 6 amended by No. 74 of 2003 s. 140(1).]*

**Notes**

- <sup>1</sup> This is a compilation of the *Magisterial Districts Act 1886* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

**Compilation table**

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>The Magisterial Districts Act 1886</i> <sup>2</sup>	50 Vict. No. 17	16 Aug 1886	16 Aug 1886
<i>Local Government (Consequential Amendments) Act 1996</i> s. 4	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<b>Reprint of <i>The Magisterial Districts Act 1886</i> as at 24 May 2002</b> (includes amendments listed above)			
<i>Statutes (Repeals and Minor Amendments) Act 2003</i> s. 140(1)	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<b><u><a href="#">This Act was repealed by the Courts Legislation Amendment and Repeal Act 2004 s. 18 (No. 59 of 2004) as at 1 May 2005 (see s. 2 and Gazette 31 Dec 2004 p. 7128)</a></u></b>			

- <sup>2</sup> Now known as the *Magisterial Districts Act 1886*; short title changed (see note under s. 6).