

JUSTICES.

No. 24 of 1967.

AN ACT to amend the Justices Act, 1902-1965.

[Assented to 27th October, 1967.]

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, 1967*. Short title
and citation.

(2) In this Act the Justices Act, 1902-1965, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Justices Act, 1902-1967.

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Reprinted
Acts.
Approved for
reprint
1/12/58, and
amended by
Acts Nos.
7 of 1959, 29
of 1961, 24 of
1962, 10 and
77 of 1964
and 83 and
109 of 1965.

S. 56A
amended.

2. Section fifty-six A of the principal Act is amended by adding, after subsection (4), the following subsections:—

(5) Where a summons posted pursuant to this section does not, in fact, come to the notice of the defendant prior to his being convicted of the matter of complaint stated in the summons, he may, within fourteen days after his becoming aware of the conviction or within such extension of that period as the Justices may allow, serve upon the Clerk of Petty Sessions, at the place where he was so convicted, a notice requiring a rehearing of the complaint to which the summons relates.

(6) The Clerk shall, as soon as may be practicable after the receipt of a notice served pursuant to subsection (5) of this section, fix a day and time for a rehearing of the complaint and shall, by notice sent by prepaid registered post or served personally (whichever may be the more practicable or convenient), notify the complainant and the defendant of the day and time so fixed.

(7) The Justices shall, on the day fixed pursuant to subsection (6) of this section, proceed to consider the requirement for a rehearing and shall confirm or set aside the conviction, as they think fit; and, where the conviction is set aside, the Justices shall proceed to rehear the complaint or adjourn the rehearing to a day fixed by them, as they think fit.

S. 96
amended.

3. Section ninety-six of the principal Act is amended—

- (a) by adding, after the word “prescribing”, in line two of subsection (1), the words, “the forms to be used in and”; and
- (b) by substituting for the word, “The”, being the first word in subsection (2), the passage, “Until other forms are prescribed, the”.

4. The principal Act is amended by adding, after section one hundred and sixty-six, the following section—

S. 166A
added.

166A. (1) Where two or more persons are charged with, and are severally convicted of, a simple offence of such a nature that the offence might not, in the peculiar circumstances of the case, have been committed by one of those persons without being committed by the other or others of them, then, if the offence is punishable by a fine, the Justices convicting them may apportion among those persons, either equally or in such other proportions as the Justices think fit, the fine that they might have imposed on one of them, had he been the only person convicted of the offence.

Apportion-
ment of
fines in
certain cases.

(2) Where the offence mentioned in subsection (1) of this section is an offence for which a minimum fine, irreducible in mitigation, is provided, that provision is satisfied by the apportionment, pursuant to this section, of not less than that minimum fine among the persons convicted. .
