

CRIMINAL CODE.

2° Elizabeth II., No. LV.

No. 55 of 1953.

AN ACT to amend The Criminal Code.

[Assented to 9th January, 1954.]

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. This Act may be cited as the *Criminal Code Amendment Act, 1953*, and shall be read as one with The Criminal Code as contained in the Schedule to the Criminal Code Act, 1913 (Act No. 28 of 1913) and as amended by Acts Nos. 32 of 1918, 51 of 1932, 15 of 1942, 40 of 1945 and 27 of 1952, in this Act referred to as "the Code". Short title.

2. Section one of the Code is amended by adding before the interpretation, "bodily harm" the following interpretation:— S. 1 amended.

The term "Attorney General" includes where there is a vacancy in the office of Attorney General the person appointed by the Governor to be Minister for Justice; .

3. Section twenty of the Code is amended by deleting from the fourth paragraph the words, "takes effect from the first day of the sittings of the Court at which the offender is convicted", in lines two, three and four. S. 20 amended.

S. 37
amended.

4. Paragraph (a) of subsection (5) of section thirty-seven of the Code is repealed and re-enacted as follows:—

- (a) With intent to depose the Sovereign from the Royal Style and Titles for the time being appertaining to the Crown as used in relation to any of Her Majesty's realms and territories.

S. 39
amended.

5. Paragraph (a) of section thirty-nine of the Code is repealed and re-enacted as follows:—

- (a) To depose the Sovereign from the Royal Style and Titles for the time being appertaining to the Crown as used in relation to any of Her Majesty's realms and territories.

S. 206
amended.

6. Section two hundred and six of the Code is amended by substituting for the word, "shall" in line ten of subsection (1) and line four of subsection (2) the word, "may".

S. 403
amended.

7. Section four hundred and three of the Code is amended by adding after the word, "counting-house," in line two of subsections (1) and (2) the words, "or office, store, garage, pavilion, factory, workshop, theatre, hospital or surgery, or any building belonging to Her Majesty or to any State Department or instrumentality, or to any municipal or other public authority,".

S. 404
amended.

8. Section four hundred and four of the Code is amended by adding after the word, "counting-house," in line two the words, "or office, store, garage, pavilion, factory, workshop, theatre, hospital, or surgery or any building belonging to Her Majesty or to any State Department or instrumentality, or to any municipal or other public authority,".

S. 577
amended.

9. Section five hundred and seventy-seven of the Code is amended by adding to the second paragraph after the word, "Court" where first appearing in line two the words, ", Court of Session".

S. 586
amended.

10. Subsection (1) of section five hundred and eighty-six of the Code is amended by adding after the word, "taking" in line five the words, "or conversion".

11. Section six hundred and two of the Code is amended by substituting for the word, "evidence" in line ten the word, "verdict". S. 602
amended.

12. Section six hundred and thirty-seven of the Code is amended by adding— S. 637
amended.

- (a) after the third paragraph a new paragraph as follows:—

Where the only witness to the facts of the case called by the defence is the accused person, he shall be called as a witness immediately after the close of the evidence for the prosecution. ;

- (b) after the proviso a new paragraph as follows:—

In this section the expression, "Attorney General" does not include Minister for Justice.

13. Section six hundred and forty-one of the Code is amended by substituting for the word, "he" in line one the word, "it". S. 641
amended.

14. Section six hundred and forty-six of the Code is amended by substituting for the word, "juror" in line three where secondly occurring the word, "jury". S. 646
amended.

15. Section six hundred and fifty-five of the Code is amended by substituting for the words, "Supreme Court as hereinafter provided" in line three of the third paragraph the words, "Court of Criminal Appeal". S. 655
amended.

16. Section six hundred and fifty-six of the Code is amended by adding after the word, "Court" in line six the words, "or Court of Session". S. 656
amended.

17. Section six hundred and seventy-six of the Code is amended by adding after the word, "Court," where first appearing in line three the words, "Court of Session". S. 676
amended.

18. Section six hundred and seventy-seven of the Code is amended by adding after the word, "Court" where first appearing in line one the words, "Court of Session". S. 677
amended.

S. 682A
amended.

19. Section six hundred and eighty-two A of the Code is amended by adding after the word, "Court" in line one the words, ", Court of Session".

S. 687
amended.

20. Section six hundred and eighty-seven of the Code is amended by substituting for the words, "section fifteen of the Supreme Court Act, 1880" in lines one and two the words, "section fifty-seven of the Supreme Court Act, 1935-1950".

S. 717
amended.

21. Section seven hundred and seventeen of the Code is amended by substituting for the word, "on" in line two the word, "or".

S. 729
amended.

22. Section seven hundred and twenty-nine of the Code is amended by adding to the second paragraph after the word, "Sessions" in lines seven and nine the words, "or a Court of Session".

S. 735
amended.

23. Section seven hundred and thirty-five of the Code is amended by substituting for the words, "Attorney General" in line four the words, "Minister for Native Welfare."

S. 739
amended.

24. Section seven hundred and thirty-nine of the Code is amended by substituting for the word, "case" in line six the word, "cause".

S. 743
amended.

25. Section seven hundred and forty-three of the Code is amended by—

- (a) substituting for the words, "is usually resident or" in lines two and three the words, "usually residing in the district";
- (b) deleting the words, "usually resides or" in line five.

S. 746A
amended.

26. Section seven hundred and forty-six A of the Code is amended by adding after the word, "Court" where first appearing in line four the words, ", a Court of Session".
