

JUSTICES.

17° GEO. V., No. XXXIV.

No. 34 of 1926.

AN ACT to amend the Justices Act, 1902-1920.

[Assented to 8th December, 1926.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Justices Act Amendment Act, 1926*.

Amendment of section 9.

2. Section nine of the Justices Act, 1902-1920 (hereinafter called the principal Act), is hereby amended by adding thereto two subsections as follows:—

Chairmen of road boards to be justices.

9. (2) The chairman for the time being of every road board shall, by virtue of his office and without any further commission or authority than this Act, be a justice for the magisterial district or districts in which the road board is situated.

(3) No person who becomes a justice under the provisions of this section shall be authorised to exercise any of the powers and authorities of a justice of the peace until his name has been entered in a special

roll, which shall be kept for the purpose by the secretary of the Premier's Department, who shall enter the name of such person therein upon production of a certificate from the town clerk or the secretary of the road board that such person is the mayor or chairman, as the case may be, and shall give notice thereof in writing to such person.

3. Section ten of the principal Act is hereby amended by the insertion of the words "chairman of a road board" after the word "mayor" in each of the two places in which such word occurs in the section. Amendment of
sec. 10.

4. Section sixteen of the principal Act is hereby amended by deleting in the first line the words "an *ex officio* justice" and inserting in lieu thereof the words "a justice appointed by virtue of section twelve of this Act." Amendment of
sec. 16.

5. A section is hereby inserted after section ninety-four of the principal Act, as follows:— Insertion of new
section after sec.
94.

94a. When a recognisance is conditioned for the appearance of a person on a certain day before justices or to take his trial before the Supreme Court or a Court of Session, a Police or Resident Magistrate may, if satisfied that it is in the interests of justice so to do, revoke the order admitting such person to bail or discharging him on recognisance, and order him to be committed to prison, and may thereupon issue his warrant for that purpose in the prescribed form. Revocation of
order of bail.

6. Section one hundred and fifty-four A of the principal Act is hereby repealed, and a section is substituted therefor as follows:— Substitution of new
section for sec.
154A.

154A. (1) When any person bound, with or without sureties,— Enforcing
recognisances.

(a) by any recognisance entered into pursuant to the order or decision of any court of summary jurisdiction to attend or appear before any such court, or to keep the peace, or be of good behaviour, or observe or comply with any other condition, or

(b) by any recognisance entered into pursuant to section 187 or 200 of this Act,

fails in any condition of the recognisance, complaint thereof may be made against those bound by the recognisance, or any one or more of them, and proceedings in respect thereof may be issued and taken as in the case of a matter cognisable under this Act, and on the hearing an order may be made forfeiting the recognisance and ordering the payment by the person or persons proceeded against of the sum or sums in which he or they is or are respectively bound.

(2) The provisions of this section shall be without prejudice to any other method of enforcement.

(3) This section shall apply and have effect whether the failure in the condition of the recognisance has occurred before or after the commencement of this Act.

Amendment of
sec. 155.

7. (1) Section one hundred and fifty-five of the principal Act is hereby amended by the addition of subsection 2 (a) as follows:—

“ (2a) It shall not be necessary for the person entitled to receive the said periodical payments to enforce such order for and in respect of each such payment as and whenever default has been made in payment thereof, and whenever default has been made in respect of more than one periodical payment the person in default shall be liable in respect of the aggregate amount in payment whereof default has been made to such process of execution and imprisonment or imprisonment only as he would be liable to if the default were in respect of one payment equal to the said aggregate amount: Provided such aggregate amount shall not exceed the sum of periodical payments for six months.”

(2) The subsection hereby added to section one hundred and fifty-five shall have effect in respect of defaults made before or after the commencement of this Act.

Short title of
principal Act and
amendments.

8. The principal Act and this Act may be cited together as the *Justices Act, 1902-1926.*