

WESTERN AUSTRALIA

**SUNDAY OBSERVANCE LAWS
AMENDMENT AND REPEAL
ACT 1997**

No. 49 of 1997

AN ACT to repeal the *Sunday Observance Act 1677*, to amend the *Interpretation Act 1984* and for related purposes.

[Assented to 10 December 1997.]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Sunday Observance Laws Amendment and Repeal Act 1997*.

Commencement

2. This Act comes into operation on the day on which it receives the Royal Assent.

Repeal of *Sunday Observance Act 1677*

3. (1) The Imperial Act known as the *Sunday Observance Act 1677* (29 Charles II, chapter 7) is repealed in so far as it is part of the law of Western Australia.

(2) Part V of the *Interpretation Act 1984* applies in respect of the repeal of that Imperial Act as if a reference in that Part to the repeal of a written law or to the repeal of an enactment were a reference to the repeal of that Imperial Act.

***Interpretation Act 1984* amended and validation**

4. (1) The *Interpretation Act 1984** is amended by inserting after section 48 the following section —

“

Exercise of power to perform judicial acts, serve process etc

48A. Where a written or other law confers on a person power to —

- (a) act judicially (including taking a verdict); or
- (b) serve any document or court process or execute any warrant,

that power may be exercised on any day of the year.

”.

(2) Anything done before the commencement of this section is as valid, and is to be regarded as having always been as valid, as it would have been if subsection (1) had commenced before that thing was done.

[* *Reprinted as at 15 March 1996.
For subsequent amendments see 1996 Index to
Legislation of Western Australia, Table 1, p. 112 and
Act No. 23 of 1997.*]

Consequential amendments

5. Schedule 1 has effect.

SCHEDULE 1 — CONSEQUENTIAL AMENDMENTS

[Section 5]

The Criminal Code

1. Section 647 of *The Criminal Code* is repealed.

Fines, Penalties and Infringement Notices Enforcement Act 1994

2. Section 64 of the *Fines, Penalties and Infringement Notices Enforcement Act 1994* is repealed.

Fish Resources Management Act 1994

3. Section 260 of the *Fish Resources Management Act 1994* is repealed.

Justices Act 1902

4. Section 63 of the *Justices Act 1902* and the heading “*Sunday warrants*” preceding it are repealed.

Local Courts Act 1904

5. Section 131 of the *Local Courts Act 1904* is amended by deleting “A warrant of commitment may be executed on a Sunday as on any other day.”.

Police Act 1892

6. The *Police Act 1892* is amended —
 - (a) in section 45 by deleting “Sunday, Good Friday, or Christmas Day.” and substituting the following —
“ day. ”; and
 - (b) in section 70 by deleting “Sunday or other”.

Pollution of Waters by Oil and Noxious Substances Act 1987

7. Section 31 (3) of the *Pollution of Waters by Oil and Noxious Substances Act 1987* is repealed.