

New South Wales.



ANNO SEXTO DECIMO

GEORGI V REGIS.

Act No. 4, 1926.

An Act to amend section four hundred and seven of the Crimes Act, 1900, in certain respects. [Assented to, 17th March, 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 New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Crimes Amendment Act, 1926," and shall be read and construed with the Crimes Act, 1900, as amended by subsequent Acts.

Short title and construction.

2.

Crimes Amendment.

Amendment
of Act 1900
No. 40, s. 407.

2. The Crimes Act, 1900, is amended by omitting paragraph two of the proviso to section four hundred and seven and by inserting in lieu thereof the following new paragraph :—

(2) The failure of an accused person or of the wife or husband, as the case may be, of an accused person to give evidence, shall not be made the subject of any comment by the judge or by counsel for the Crown.

Where two or more persons are being tried together, and comment is made, by or on behalf of any of them, upon the failure of any of them, or of the husband or wife, as the case may be, of any of them, to give evidence, the judge may make such observations to the jury in regard to such comment or such failure to give evidence as he thinks fit.

INDEX.

	Section.	Page.
Crimes Amendment Act, 1926, No. 4.		
Accused person—		
failure to give evidence by, comment on, 1900 No. 40, s. 407, prov. (2), repealed and substituted	2	2
husband or wife of, failure to give evidence by, comment on, 1900 No. 40, s. 407, prov. (2), repealed and substituted by	2	2
Amendments and Repeals—		
Crimes Act, 1900, No. 40— s. 407, prov. (2), repealed and substituted ...	2	2
Comment—		
on failure to give evidence, when two or more persons tried together, observations by judge, 1900 No. 40, s. 407, prov. (2), repealed and substituted	2	2
[AND SEE Accused person.]		
Construction of Act	1	1
Evidence, failure to give, comment on. [See Comment.]		
Title, short	1	1

By Authority : ALFRED JAMES KENT, Government Printer, Sydney, 1926.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 5 March, 1926.*

New South Wales.



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[Assented to, 17th March, 1926.]

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1. This Act may be cited as the "Crimes Amendment Act, 1926," and shall be read and construed with the Crimes Act, 1900, as amended by subsequent Acts.

Short title
and
construction.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. GREIG,
Chairman of Committees of the Legislative Assembly.

Crimes Amendment.

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of Act 1900
No. 40, s. 407.

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In the name and on behalf of His Majesty I assent to this Act.

D. R. S. DE CHAIR,
Governor.

*Government House,
Sydney, 17th March, 1926.*

CRIMES AMENDMENT BILL.

SCHEDULE of Amendments referred to in Message of 4th March, 1926.

Page 2, clause 2. *Omit* subclause (2) and *insert* new subclause (2).

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

PHYSICAL CHEMISTRY

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 25 February, 1926.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 4th March, 1926.*

New South Wales.



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199—

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Crimes Amendment.

2. The Crimes Act, 1900, is amended by omitting paragraph two of the proviso to section four hundred and seven and by inserting in lieu thereof the following new paragraph :—

Amendment
of Act 1900
No. 40, s. 407.

- 5 (2) (a) At the trial of an accused person no comment shall be made on the failure of an accused person to give evidence.
- 10 (b) At the trial of an accused person no comment shall be made on the failure of the wife or husband, as the case may be, of an accused person to give evidence.
- 15 (c) If where two or more persons are being tried under one indictment and comment is made by or on behalf of any of them contrary to the provisions of this section, the trial shall not be invalidated by reason only of such comment, but the judge shall call the attention of the jury to the fact that the provisions of this section have been violated and shall direct the jury to disregard such comment.
- 20

25 (2) The failure of an accused person or of the wife or husband, as the case may be, of an accused person to give evidence, shall not be made the subject of any comment by the judge or by counsel for the Crown.

30 Where two or more persons are being tried together, and comment is made, by or on behalf of any of them, upon the failure of any of them, or of the husband or wife, as the case may be, of any of them, to give evidence, the judge may make such observations to the jury in regard to such comment or such failure to give evidence as he thinks fit.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 25 February, 1926.

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- 20 jury to disregard such comment.