

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 14 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. , 1957.

An Act to make provisions with respect to the signing of certain warrants and the apprehension of absconding appellants under recognizance; for these purposes to amend the Justices Act, 1902, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith.

BE it enacted by the Queen'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
5 the same, as follows:—

1. (1) This Act may be cited as the "Justices (Amendment) Act, 1957".

Short title
and
citation.

Justices (Amendment).

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Acts, 1902-1957.

2. (1) The Justices Act, 1902, as amended by 5 subsequent Acts, is amended— Amendment of Act No. 27, 1902.

(a) (i) by omitting from paragraph (a) of section thirty-four the words "by warrant"; Sec. 34. (How defendant to be dealt with during period of adjournment.)

(ii) by inserting at the end of the same section the following new subsection:—

10 (2) Where a person is remanded to a prison, watch-house, or lock-up pursuant to paragraph (a) of subsection one of this section, the warrant so remanding such person may be signed by any Justice.

15 (b) by inserting at the end of section sixty-nine the following new subsection:— Sec. 69. (How defendant to be dealt with during period of adjournment.)

20 (2) Where a person is committed to a prison or lock-up, or to some other safe custody, pursuant to paragraph (a) of subsection one of this section, the warrant of commitment may be signed by any Justice.

(c) by inserting next after section 131A the following new heading and section:— New sec. 131B.

25 4A. *Provision applicable to appeals to Supreme Court by way of special case and to Quarter Sessions.*

30 131B. (1) This section applies to any appellant who, after compliance with the provisions of section one hundred and two or of section one hundred and twenty-three of this Act or of this section as to recognizance, has been liberated under the said section one hundred and two or under section one hundred and twenty-four of this Act or under this section, as the case may be. Apprehension of absconding appellants under recognizance.

(2)

Justices (Amendment).

5 (2) Whenever by the oath of a person who is surety for an appellant to whom this section applies it is made to appear to a Justice that such appellant is not likely to appear and prosecute his appeal in terms of the recognizance entered into by such appellant, such Justice may issue his warrant for the apprehension of such appellant.

10 (3) The Justice or Justices before whom such appellant is brought pursuant to such warrant may, upon being satisfied that the ends of justice would otherwise be defeated, commit such appellant to a place of safe custody, there to be kept until the hearing of his appeal unless—

20 (a) such appellant enters into a recognizance, with such number of sureties and in such sum as the Justice or Justices may determine and subject to the same conditions as those contained in the recognizance entered into under section one hundred and two or subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act, as the case may be, by such appellant with respect to his appeal;

30 (b) in the case of any such appellant whose appeal is against a conviction or order under which money only has been adjudged to be paid, the appellant is liberated pursuant to section one hundred and twenty-four of this Act after his complying with the provisions of section one hundred and twenty-three of this Act as to deposit.

35 Where a person is committed as aforesaid, the warrant of commitment may be signed by any Justice.

(4)

Justices (Amendment).

5 (4) Where an appellant has been
committed to a place of safe custody pursuant
to subsection three of this section, any recogni-
zance with respect to his appeal entered into by
such appellant or by any surety for such
appellant for the purposes of section one
hundred and two or of subparagraph (ii) of
paragraph (b) of section one hundred and
twenty-three of this Act or of this section and
10 in force immediately before such commitment
shall upon such commitment cease to have any
force or effect.

15 (5) A stay of execution of a conviction
or order effected by subparagraph (ii) of para-
graph (b) of section one hundred and twenty-
three of this Act shall not be affected by reason
of the operation of any of the provisions of this
section.

20 (2) Any action, matter or thing taken or done
before the commencement of this Act which would have
been valid had the amendments made by paragraphs (a)
and (b) of subsection one of this section been in force
at the time when such action, matter or thing was taken
or done is hereby validated.

No. , 1957.

A BILL

To make provisions with respect to the signing of certain warrants and the apprehension of absconding appellants under recognizance; for these purposes to amend the Justices Act, 1902, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith.

[MR. SHEAHAN;—23 *October*, 1957.]

BE it enacted by the Queen'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. (1) This Act may be cited as the "Justices (Amendment) Act, 1957".

Short title
and
citation.

Justices (Amendment).

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Acts, 1902-1957.

2. (1) The Justices Act, 1902, as amended by 5 subsequent Acts, is amended— Amendment of Act No. 27, 1902.

(a) (i) by omitting from paragraph (a) of section thirty-four the words “by warrant”; Sec. 34. (How defendant to be dealt with during period of adjournment.)

(ii) by inserting at the end of the same section the following new subsection:—

10 (2) Where a person is remanded to a prison, watch-house, or lock-up pursuant to paragraph (a) of subsection one of this section, the warrant so remanding such person may be signed by any Justice.

15 (b) by inserting at the end of section sixty-nine the following new subsection:— Sec. 69. (How defendant to be dealt with during period of adjournment.)

20 (2) Where a person is committed to a prison or lock-up, or to some other safe custody, pursuant to paragraph (a) of subsection one of this section, the warrant of commitment may be signed by any Justice.

(c) by inserting next after section 131A the following new heading and section:— New sec. 131B.

25 4A. *Provision applicable to appeals to Supreme Court by way of special case and to Quarter Sessions.*

30 131B. (1) This section applies to any appellant who, after compliance with the provisions of section one hundred and two or of section one hundred and twenty-three of this Act or of this section as to recognizance, has been liberated under the said section one hundred and two or under section one hundred and twenty-four of this Act or under this section, as the case may be. Apprehension of absconding appellants under recognizance.

35 (2)

Justices (Amendment).

5 (2) Whenever by the oath of a person who is surety for an appellant to whom this section applies it is made to appear to a Justice that such appellant is not likely to appear and prosecute his appeal in terms of the recognizance entered into by such appellant, such Justice may issue his warrant for the apprehension of such appellant.

10 (3) The Justice or Justices before whom such appellant is brought pursuant to such warrant may, upon being satisfied that the ends of justice would otherwise be defeated, commit such appellant to a place of safe custody, there to be kept until the hearing of his appeal
15 unless—

(a) such appellant enters into a recognizance, with such number of sureties and in such sum as the Justice or Justices may determine and subject to the same conditions as those contained in the recognizance entered into under section one hundred and two or subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act, as the case may be, by such appellant with respect to his appeal;

20
25
30 (b) in the case of any such appellant whose appeal is against a conviction or order under which money only has been adjudged to be paid, the appellant is liberated pursuant to section one hundred and twenty-four of this Act after his complying with the provisions of section one hundred and twenty-three of this Act as to deposit.
35

Where a person is committed as aforesaid, the warrant of commitment may be signed by any Justice.

(4)

Justices (Amendment).

5 (4) Where an appellant has been
committed to a place of safe custody pursuant
to subsection three of this section, any recogni-
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such appellant or by any surety for such
10 appellant for the purposes of section one
hundred and two or of subparagraph (ii) of
paragraph (b) of section one hundred and
twenty-three of this Act or of this section and
in force immediately before such commitment
shall upon such commitment cease to have any
force or effect.

15 (5) A stay of execution of a conviction
or order effected by subparagraph (ii) of para-
graph (b) of section one hundred and twenty-
three of this Act shall not be affected by reason
of the operation of any of the provisions of this
section.

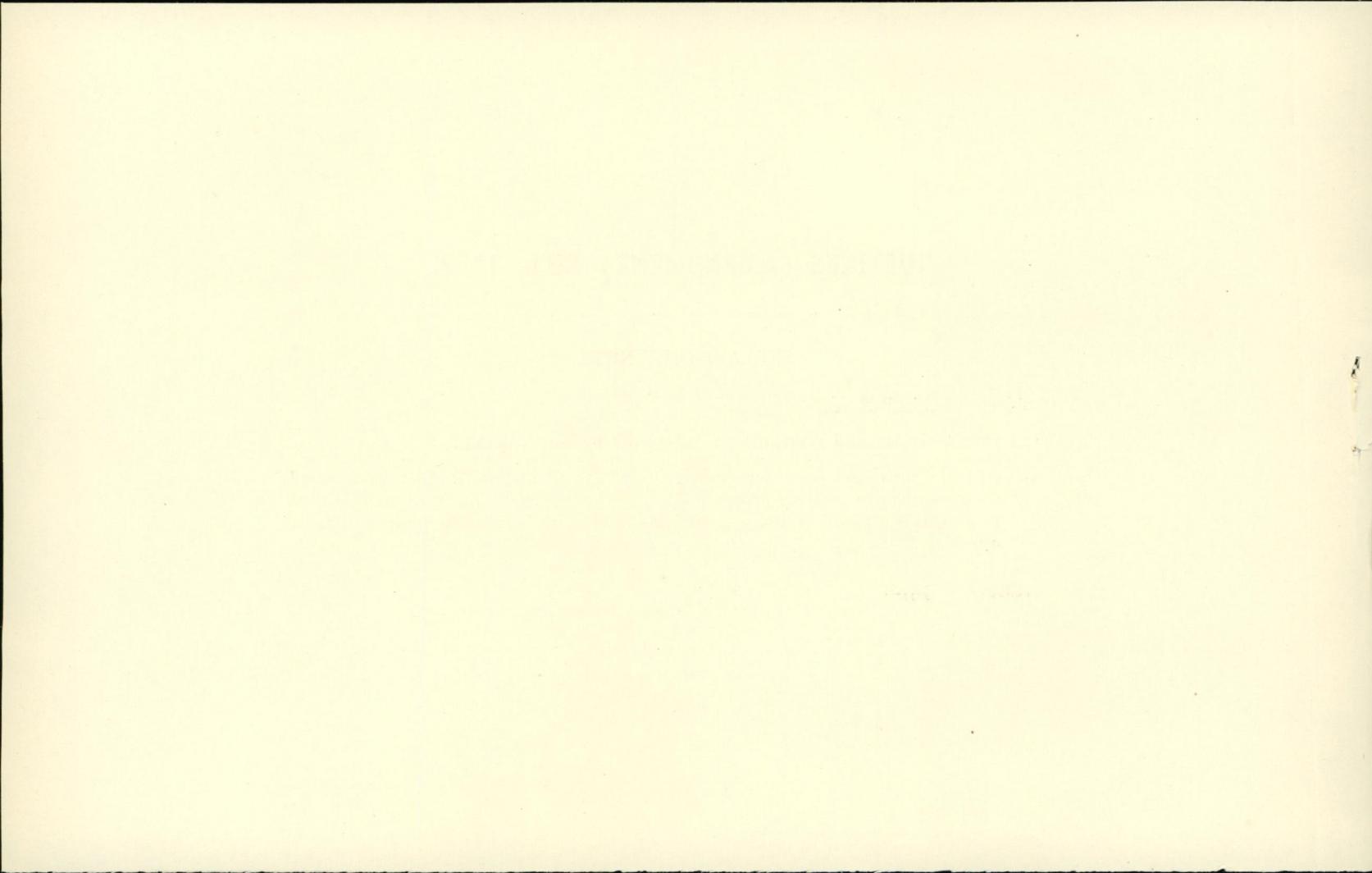
20 (2) Any action, matter or thing taken or done
before the commencement of this Act which would have
been valid had the amendments made by paragraphs (a)
and (b) of subsection one of this section been in force
at the time when such action, matter or thing was taken
or done is hereby validated.

JUSTICES (AMENDMENT) BILL, 1957.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to permit remand warrants to be signed by any Justice;
- (b) to make provision for the apprehension of appellants who have been released on recognizance pending determination of their appeals in the Supreme Court or at Quarter Sessions and who propose to abscond before the hearing of their appeals.



PROOF

No. , 1957.

A BILL

To make provisions with respect to the signing of certain warrants and the apprehension of absconding appellants under recognizance; for these purposes to amend the Justices Act, 1902, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith.

[MR. SHEAHAN;—23 October, 1957.]

BE it enacted by the Queen'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
5 the same, as follows:—

1. (1) This Act may be cited as the "Justices (Amendment) Act, 1957".

Short title
and
citation.

98493 58—

(2)

Justices (Amendment).

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Acts, 1902-1957.

2. (1) The Justices Act, 1902, as amended by 5 subsequent Acts, is amended—

- (a) (i) by omitting from paragraph (a) of section thirty-four the words "by warrant";
- (ii) by inserting at the end of the same section the following new subsection:—
- 10 (2) Where a person is remanded to a prison, watch-house, or lock-up pursuant to paragraph (a) of subsection one of this section, the warrant so remanding such person may be signed by any Justice.
- 15 (b) by inserting at the end of section sixty-nine the following new subsection:—
- (2) Where a person is committed to a prison or lock-up, or to some other safe custody, pursuant to paragraph (a) of subsection one of
- 20 this section, the warrant of commitment may be signed by any Justice.
- (c) by inserting next after section 131A the following new heading and section:—
- 25 4A. *Provision applicable to appeals to Supreme Court by way of special case and to Quarter Sessions.*
- 131B. (1) This section applies to any appellant who, after compliance with the provisions of section one hundred and two or of section one hundred and twenty-three of this Act or of this section as to recognizance, has been liberated under the said section one hundred and two or under section one hundred and twenty-four of this Act or under this section, as the case may
- 30 be.
- 35 (2)

Amendment
of Act
No. 27, 1902.

Sec. 34.
(How defend-
ant to be
dealt with
during
period
of adjourn-
ment.)

Sec. 69.
(How defend-
ant to be
dealt with
during
period
of adjourn-
ment.)

New sec.
131B.

Appre-
hension of
absconding
appellants
under
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Justices (Amendment).

5 (2) Whenever by the oath of a person who is surety for an appellant to whom this section applies it is made to appear to a Justice that such appellant is not likely to appear and prosecute his appeal in terms of the recognizance entered into by such appellant, such Justice may issue his warrant for the apprehension of such appellant.

10 (3) The Justice or Justices before whom such appellant is brought pursuant to such warrant may, upon being satisfied that the ends of justice would otherwise be defeated, commit such appellant to a place of safe custody, there to be kept until the hearing of his appeal unless—

20 (a) such appellant enters into a recognizance, with such number of sureties and in such sum as the Justice or Justices may determine and subject to the same conditions as those contained in the recognizance entered into under section one hundred and two or sub-paragraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act, as the case may be, by such appellant with respect to his appeal;

30 (b) in the case of any such appellant whose appeal is against a conviction or order under which money only has been adjudged to be paid, the appellant is liberated pursuant to section one hundred and twenty-four of this Act after his complying with the provisions of section one hundred and twenty-three of this Act as to deposit.

35 Where a person is committed as aforesaid, the warrant of commitment may be signed by any Justice.

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Justices (Amendment).

5 (4) Where an appellant has been
committed to a place of safe custody pursuant
to subsection three of this section, any recogni-
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such appellant or by any surety for such
10 appellant for the purposes of section one
hundred and two or of subparagraph (ii) of
paragraph (b) of section one hundred and
twenty-three of this Act or of this section and
in force immediately before such commitment
shall upon such commitment cease to have any
force or effect.

15 (5) A stay of execution of a conviction
or order effected by subparagraph (ii) of para-
graph (b) of section one hundred and twenty-
three of this Act shall not be affected by reason
of the operation of any of the provisions of this
section.

20 (2) Any action, matter or thing taken or done
before the commencement of this Act which would have
been valid had the amendments made by paragraphs (a)
and (b) of subsection one of this section been in force
at the time when such action, matter or thing was taken
or done is hereby validated.

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 61, 1957.

An Act to make provisions with respect to the signing of certain warrants and the apprehension of absconding appellants under recognizance; for these purposes to amend the Justices Act, 1902, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 9th December, 1957.]

BE it enacted by the Queen'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:—

I. (1) This Act may be cited as the "Justices (Amendment) Act, 1957".

Short title
and
citation.

10539

[4*d.*]

(2)

Justices (Amendment).

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Acts, 1902-1957.

Amendment
of Act
No. 27, 1902.

2. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

Sec. 34.

(How defendant to be dealt with during period of adjournment.)

- (a) (i) by omitting from paragraph (a) of section thirty-four the words “by warrant”;
- (ii) by inserting at the end of the same section the following new subsection:—

(2) Where a person is remanded to a prison, watch-house, or lock-up pursuant to paragraph (a) of subsection one of this section, the warrant so remanding such person may be signed by any Justice.

Sec. 69.

(How defendant to be dealt with during period of adjournment.)

- (b) by inserting at the end of section sixty-nine the following new subsection:—

(2) Where a person is committed to a prison or lock-up, or to some other safe custody, pursuant to paragraph (a) of subsection one of this section, the warrant of commitment may be signed by any Justice.

New sec.
131B.

- (c) by inserting next after section 131A the following new heading and section:—

4A. Provision applicable to appeals to Supreme Court by way of special case and to Quarter Sessions.

Apprehension of absconding appellants under recognizance.

131B. (1) This section applies to any appellant who, after compliance with the provisions of section one hundred and two or of section one hundred and twenty-three of this Act or of this section as to recognizance, has been liberated under the said section one hundred and two or under section one hundred and twenty-four of this Act or under this section, as the case may be. (2)

Justices (Amendment).

(2) Whenever by the oath of a person who is surety for an appellant to whom this section applies it is made to appear to a Justice that such appellant is not likely to appear and prosecute his appeal in terms of the recognizance entered into by such appellant, such Justice may issue his warrant for the apprehension of such appellant.

(3) The Justice or Justices before whom such appellant is brought pursuant to such warrant may, upon being satisfied that the ends of justice would otherwise be defeated, commit such appellant to a place of safe custody, there to be kept until the hearing of his appeal unless—

- (a) such appellant enters into a recognizance, with such number of sureties and in such sum as the Justice or Justices may determine and subject to the same conditions as those contained in the recognizance entered into under section one hundred and two or subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act, as the case may be, by such appellant with respect to his appeal;
- (b) in the case of any such appellant whose appeal is against a conviction or order under which money only has been adjudged to be paid, the appellant is liberated pursuant to section one hundred and twenty-four of this Act after his complying with the provisions of section one hundred and twenty-three of this Act as to deposit.

Where a person is committed as aforesaid, the warrant of commitment may be signed by any Justice.

(4)

Justices (Amendment).

(4) Where an appellant has been committed to a place of safe custody pursuant to subsection three of this section, any recognizance with respect to his appeal entered into by such appellant or by any surety for such appellant for the purposes of section one hundred and two or of subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act or of this section and in force immediately before such commitment shall upon such commitment cease to have any force or effect.

(5) A stay of execution of a conviction or order effected by subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act shall not be affected by reason of the operation of any of the provisions of this section.

(2) Any action, matter or thing taken or done before the commencement of this Act which would have been valid had the amendments made by paragraphs (a) and (b) of subsection one of this section been in force at the time when such action, matter or thing was taken or done is hereby validated.

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1958

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1957.*

New South Wales



ANNO SEXTO

ELIZABETHÆ II REGINÆ

Act No. 61, 1957.

An Act to make provisions with respect to the signing of certain warrants and the apprehension of absconding appellants under recognizance; for these purposes to amend the Justices Act, 1902, as amended by subsequent Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 9th December, 1957.]

BE it enacted by the Queen'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. (1) This Act may be cited as the "Justices (Amendment) Act, 1957".

Short title
and
citation.

(2)

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

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Justices (Amendment).

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Acts, 1902-1957.

Amendment
of Act
No. 27, 1902.

2. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

Sec. 34.
(How defen-
dant to be
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during
period
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(a) (i) by omitting from paragraph (a) of section thirty-four the words “by warrant”;

(ii) by inserting at the end of the same section the following new subsection:—

(2) Where a person is remanded to a prison, watch-house, or lock-up pursuant to paragraph (a) of subsection one of this section, the warrant so remanding such person may be signed by any Justice.

Sec. 69.
(How defen-
dant to be
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(b) by inserting at the end of section sixty-nine the following new subsection:—

(2) Where a person is committed to a prison or lock-up, or to some other safe custody, pursuant to paragraph (a) of subsection one of this section, the warrant of commitment may be signed by any Justice.

New sec.
131B.

(c) by inserting next after section 131A the following new heading and section:—

4A. *Provision applicable to appeals to Supreme Court by way of special case and to Quarter Sessions.*

Appre-
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131B. (1) This section applies to any appellant who, after compliance with the provisions of section one hundred and two or of section one hundred and twenty-three of this Act or of this section as to recognizance, has been liberated under the said section one hundred and two or under section one hundred and twenty-four of this Act or under this section, as the case may be. (2)

Justices (Amendment).

(2) Whenever by the oath of a person who is surety for an appellant to whom this section applies it is made to appear to a Justice that such appellant is not likely to appear and prosecute his appeal in terms of the recognizance entered into by such appellant, such Justice may issue his warrant for the apprehension of such appellant.

(3) The Justice or Justices before whom such appellant is brought pursuant to such warrant may, upon being satisfied that the ends of justice would otherwise be defeated, commit such appellant to a place of safe custody, there to be kept until the hearing of his appeal unless—

- (a) such appellant enters into a recognizance, with such number of sureties and in such sum as the Justice or Justices may determine and subject to the same conditions as those contained in the recognizance entered into under section one hundred and two or subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act, as the case may be, by such appellant with respect to his appeal;
- (b) in the case of any such appellant whose appeal is against a conviction or order under which money only has been adjudged to be paid, the appellant is liberated pursuant to section one hundred and twenty-four of this Act after his complying with the provisions of section one hundred and twenty-three of this Act as to deposit.

Where a person is committed as aforesaid, the warrant of commitment may be signed by any Justice.

(4)

Justices (Amendment).

(4) Where an appellant has been committed to a place of safe custody pursuant to subsection three of this section, any recognizance with respect to his appeal entered into by such appellant or by any surety for such appellant for the purposes of section one hundred and two or of subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act or of this section and in force immediately before such commitment shall upon such commitment cease to have any force or effect.

(5) A stay of execution of a conviction or order effected by subparagraph (ii) of paragraph (b) of section one hundred and twenty-three of this Act shall not be affected by reason of the operation of any of the provisions of this section.

(2) Any action, matter or thing taken or done before the commencement of this Act which would have been valid had the amendments made by paragraphs (a) and (b) of subsection one of this section been in force at the time when such action, matter or thing was taken or done is hereby validated.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 9th December, 1957.*