

JUSTICES (AMENDMENT) BILL.

*Schedule of the Amendment referred to in Legislative Council's
Message of 26 November, 1970.*

Page 4, clause 2, lines 11 to 20 inclusive. *Omit* all words on these lines.

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1970.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 26 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to make certain provisions with respect to the service of summonses; for this purpose and for other purposes to amend the Justices Act, 1902, and the Motor Traffic Act, 1909; and for purposes connected therewith.

BE

35843 436—

NOTE.—The words to be omitted are ruled through.

Justices (Amendment).

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, 1970".

(2) The Justices Act, 1902, is in this Act referred to as the Principal Act.

2. The Principal Act is amended by omitting section sixty-three and by inserting in lieu thereof the following section:—

Amendment
of Act No.
27, 1902.
Subst. sec.
63.

63. (1) Subject to this section every summons shall be served by a member of the police force or other person upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be met with, by leaving it with some person for him at his last or most usual place of abode.

Manner of
service of
summons.

(2) Subject to this section a summons in respect of an offence punishable on summary conviction under an Act specified in Part I of the Fifth Schedule to this Act, or under a rule, regulation, ordinance, by-law or order made under such an Act, or an offence punishable on summary conviction under a rule, regulation, ordinance, by-law or order specified in Part II of the Fifth Schedule to this Act, may be served by posting it not less than twenty-eight days before the return day by ordinary prepaid post addressed to the person to whom it is directed—

(a) where that person is a natural person, at his last known place of residence or business;

(b) where that person is a body corporate, at a place where it trades or carries on business; or

(c)

Justices (Amendment).

(c) in either case referred to in paragraphs (a) and (b) of this subsection—

(i) where there is a prescribed address for the person; and

5 (ii) where there are no circumstances making it appear to a court that the prescribed address for that person is not the address referred to in paragraph (a) or, as the case may require, paragraph
10 (b) of this subsection in relation to that person,

at the prescribed address for that person.

(3) Subject to subsection four of this section, service of a summons in the manner referred to in
15 subsection one or two of this section may be proved by the oath of the member of the police force or other person who served it, or by affidavit or otherwise.

(4) Where a summons is posted as provided in this section—

20 (a) the deposition or affidavit of service shall state the manner in which the deponent was informed of the address to which it was so posted and the time and place of posting; and

25 (b) in the absence of any proof to the contrary, the summons shall be deemed to have been duly served on the person to whom it is directed at the time at which it would be delivered in the ordinary course of post.

(5)

Justices (Amendment).

5 (5) The Justice or Justices at the hearing or
adjourned hearing of an information in respect of which
a summons has been issued may, notwithstanding
service of the summons in the manner provided by
subsection two of this section, order that a further
summons in respect of the same offence be served in the
manner provided by subsection one of this section, and
may adjourn or further adjourn the hearing to enable
10 that summons to be served in accordance with that
order.

15 (6) Where a request in writing is made to the
Minister that any Act or any rule, regulation, ordinance,
by-law or order made under any Act be added to the
Fifth Schedule to this Act and the Minister is satisfied
that the Act or rule, regulation, ordinance, by-law or
order is one in respect of which it would be appropriate
to permit the service of summonses by post as provided
by this section, the Minister may, by order published in
the Gazette, add that Act or rule, regulation, ordinance,
20 by-law or order to the Fifth Schedule to this Act.

(6) ~~(7)~~ In this section "prescribed address"
means—

25 (a) in relation to a person alleged to have committed
an offence arising out of the driving or use of a
motor vehicle, or an attempt to do so (not
being an offence referred to in paragraph (b) of
this subsection)—the address appearing as the
address of that person on a license within the
30 meaning of the Motor Traffic Act, 1909, or any
law of a State or of a Territory of the Com-
monwealth that corresponds to that Act,
produced by that person at or about the time of
the alleged offence or upon the investigation
thereof;

(b)

Justices (Amendment).

5 (b) in relation to a person alleged to have committed an offence as owner of a motor vehicle—the address appearing on the current certificate of registration of the motor vehicle under the Motor Traffic Act, 1909, or any law of a State or of a Territory of the Commonwealth that corresponds to that Act, as the address of the person in whose name the motor vehicle is registered; or

10 (c) in relation to a person alleged to have committed any other offence against an Act, rule, regulation, ordinance, by-law or order specified in the Fifth Schedule to this Act—the address appearing as the address of that person in any license or registration for the time being in force pertaining to that person or to any property of which that person appears to be the owner or occupier, being a license or registration held or effected by that person under the Act against which, or under the Act authorising the making of the rule, regulation, ordinance, by-law or order against which, the offence is alleged to have been committed.

25 (7) ~~(8)~~ This section shall be construed as operating in addition to, and not as derogating from, the operation of a provision of any other Act relating to the service of summonses, and any such provision shall be construed as operating in addition to, and not as derogating from, the operation of this section.

30 3. The Principal Act is further amended by omitting from subsection two of section 100A the words “three months” and by inserting in lieu thereof the words “six months”.

Further amendment of Act No. 27, 1902. Sec. 100A. (Court may annul certain convictions and penalties.)

4.

Justices (Amendment).

4. (1) The Principal Act is further amended—

Further
amendment
of Act No.
27, 1902.

(a) by omitting section fifty-one;

Sec. 51.
(Forms in
Schedule,
or to like
effect, to
be valid.)

(b) by omitting section ninety-nine;

Sec. 99.
(Forms in
Schedule,
or to like
effect, to
be valid.)

5 (c) by omitting from subsection one of section one hundred and one the words "which may be in the form in the Third Schedule to this Act" and by inserting in lieu thereof the words "in the form prescribed";

Sec. 101.
(Stated
cases.)

10 (d) by inserting next after subsection (1B) of section one hundred and fifty-four the following new subsection :—

Sec. 154.
(Regula-
tions.)

(1C) The Governor may make regulations not inconsistent with this Act prescribing any forms to be used under this Act.

15 (e) by omitting the Second Schedule;

Second
Schedule.

(f) by omitting the Third Schedule.

Third
Schedule.

(2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Justices (Amendment).

5. The Principal Act is further amended by inserting at the end thereof the following new Schedule :—

Further amendment of Act No. 27, 1902. New Fifth Schedule. Sec. 63.

FIFTH SCHEDULE.

PART I.

- 5 Centenary Celebration Act (51 Victoria No. 9).
Metropolitan Traffic Act, 1900.
Motor Traffic Act, 1909.
Motor Vehicles Taxation Management Act, 1949.
Motor Vehicles (Third Party Insurance) Act, 1942.
- 10 Transport Act, 1930.

PART II.

Local Government Act, 1919, Ordinances 34 and 34A.

6. The Motor Traffic Act, 1909, is amended by omitting paragraph (b) of subsection one of section 18c and by inserting in lieu thereof the following paragraph :—

Amendment of Act No. 5, 1909. Sec. 18c. (Ex parte procedure for offences referred to in section 18B.)

- (b) a summons for the appearance of the defendant to answer to the information has been served on the defendant in any manner provided by law for the service of such a summons on that defendant in relation to that offence; and.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1970.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with
an Amendment.*

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 26 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to make certain provisions with respect to the service of summonses; for this purpose and for other purposes to amend the Justices Act, 1902, and the Motor Traffic Act, 1909; and for purposes connected therewith.

BE

Justices (Amendment).

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, 1970". Short title.

(2) The Justices Act, 1902, is in this Act referred to as the Principal Act.

2. The Principal Act is amended by omitting section sixty-three and by inserting in lieu thereof the following section:— Amendment of Act No. 27, 1902.

Subst. sec. 63.

63. (1) Subject to this section every summons shall be served by a member of the police force or other person upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be met with, by leaving it with some person for him at his last or most usual place of abode. Manner of service of summons.

(2) Subject to this section a summons in respect of an offence punishable on summary conviction under an Act specified in Part I of the Fifth Schedule to this Act, or under a rule, regulation, ordinance, by-law or order made under such an Act, or an offence punishable on summary conviction under a rule, regulation, ordinance, by-law or order specified in Part II of the Fifth Schedule to this Act, may be served by posting it not less than twenty-eight days before the return day by ordinary prepaid post addressed to the person to whom it is directed—

(a) where that person is a natural person, at his last known place of residence or business;

(b) where that person is a body corporate, at a place where it trades or carries on business; or

(c)

Justices (Amendment).

(c) in either case referred to in paragraphs (a) and (b) of this subsection—

(i) where there is a prescribed address for the person; and

5 (ii) where there are no circumstances making it appear to a court that the prescribed address for that person is not the address referred to in paragraph (a) or, as the case may require, paragraph
10 (b) of this subsection in relation to that person,

at the prescribed address for that person.

(3) Subject to subsection four of this section, service of a summons in the manner referred to in
15 subsection one or two of this section may be proved by the oath of the member of the police force or other person who served it, or by affidavit or otherwise.

(4) Where a summons is posted as provided in this section—

20 (a) the deposition or affidavit of service shall state the manner in which the deponent was informed of the address to which it was so posted and the time and place of posting; and

25 (b) in the absence of any proof to the contrary, the summons shall be deemed to have been duly served on the person to whom it is directed at the time at which it would be delivered in the ordinary course of post.

(5)

Justices (Amendment).

5 (5) The Justice or Justices at the hearing or
adjourned hearing of an information in respect of which
a summons has been issued may, notwithstanding
service of the summons in the manner provided by
subsection two of this section, order that a further
summons in respect of the same offence be served in the
manner provided by subsection one of this section, and
may adjourn or further adjourn the hearing to enable
that summons to be served in accordance with that
10 order.

15 (6) Where a request in writing is made to the
Minister that any Act or any rule, regulation, ordinance,
by-law or order made under any Act be added to the
Fifth Schedule to this Act and the Minister is satisfied
that the Act or rule, regulation, ordinance, by-law or
order is one in respect of which it would be appropriate
to permit the service of summonses by post as provided
by this section, the Minister may, by order published in
the Gazette, add that Act or rule, regulation, ordinance,
20 by-law or order to the Fifth Schedule to this Act.

(6) ~~(7)~~ In this section "prescribed address"
means—

25 (a) in relation to a person alleged to have committed
an offence arising out of the driving or use of a
motor vehicle, or an attempt to do so (not
being an offence referred to in paragraph (b) of
this subsection)—the address appearing as the
address of that person on a license within the
meaning of the Motor Traffic Act, 1909, or any
30 law of a State or of a Territory of the Com-
monwealth that corresponds to that Act,
produced by that person at or about the time of
the alleged offence or upon the investigation
thereof;

(b)

Justices (Amendment).

5 (b) in relation to a person alleged to have committed an offence as owner of a motor vehicle—the address appearing on the current certificate of registration of the motor vehicle under the Motor Traffic Act, 1909, or any law of a State or of a Territory of the Commonwealth that corresponds to that Act, as the address of the person in whose name the motor vehicle is registered; or

10 (c) in relation to a person alleged to have committed any other offence against an Act, rule, regulation, ordinance, by-law or order specified in the Fifth Schedule to this Act—the address appearing as the address of that person in any license or registration for the time being in force
15 pertaining to that person or to any property of which that person appears to be the owner or occupier, being a license or registration held or effected by that person under the Act against which, or under the Act authorising the making
20 of the rule, regulation, ordinance, by-law or order against which, the offence is alleged to have been committed.

25 (7) ~~(8)~~ This section shall be construed as operating in addition to, and not as derogating from, the operation of a provision of any other Act relating to the service of summonses, and any such provision shall be construed as operating in addition to, and not as derogating from, the operation of this section.

30 3. The Principal Act is further amended by omitting from subsection two of section 100A the words “three months” and by inserting in lieu thereof the words “six months”.

Further amendment of Act No. 27, 1902. Sec. 100A. (Court may annul certain convictions and penalties.)

4.

Justices (Amendment).

4. (1) The Principal Act is further amended—
- (a) by omitting section fifty-one; Further amendment of Act No. 27, 1902.
Sec. 51.
(Forms in Schedule, or to like effect, to be valid.)
- (b) by omitting section ninety-nine; Sec. 99.
(Forms in Schedule, or to like effect, to be valid.)
- 5 (c) by omitting from subsection one of section one hundred and one the words "which may be in the form in the Third Schedule to this Act" and by inserting in lieu thereof the words "in the form prescribed"; Sec. 101.
(Stated cases.)
- 10 (d) by inserting next after subsection (1B) of section one hundred and fifty-four the following new subsection :— Sec. 154.
(Regulations.)
- (1c) The Governor may make regulations not inconsistent with this Act prescribing any forms to be used under this Act.
- 15 (e) by omitting the Second Schedule; Second Schedule.
- (f) by omitting the Third Schedule. Third Schedule.
- (2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Justices (Amendment).

5. The Principal Act is further amended by inserting at the end thereof the following new Schedule :—

Further amendment of Act No. 27, 1902.

New Fifth Schedule.

Sec. 63.

FIFTH SCHEDULE.

PART I.

- 5 Centenary Celebration Act (51 Victoria No. 9).
Metropolitan Traffic Act, 1900.
Motor Traffic Act, 1909.
Motor Vehicles Taxation Management Act, 1949.
Motor Vehicles (Third Party Insurance) Act, 1942.
- 10 Transport Act, 1930.

PART II.

Local Government Act, 1919, Ordinances 34 and 34A.

6. The Motor Traffic Act, 1909, is amended by omitting paragraph (b) of subsection one of section 18c and by inserting in lieu thereof the following paragraph :—

Amendment of Act No. 5, 1909.

Sec. 18c.

(Ex parte procedure for offences referred to in section 18B.)

- (b) a summons for the appearance of the defendant to answer to the information has been served on the defendant in any manner provided by law for the service of such a summons on that defendant in relation to that offence; and.

20

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[10c]

The PUBLIC BILL contained in the LEGISLATIVE ASSEMBLY, and
having this day passed is now ready for presentation to the LEGISLATIVE
Council for its consideration.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

Legislative Assembly, Canberra, 1950.

The LEGISLATIVE Council has this day agreed to the Bill with
an amendment.

That the Bill, as amended, be presented to the LEGISLATIVE
Assembly for its consideration.

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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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1970.*

New South Wales



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ELIZABETHÆ II REGINÆ

Act No. , 1970.

An Act to make certain provisions with respect to the service of summonses; for this purpose and for other purposes to amend the Justices Act, 1902, and the Motor Traffic Act, 1909; and for purposes connected therewith.

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Justices (Amendment).

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, 1970".

(2) The Justices Act, 1902, is in this Act referred to as the Principal Act.

2. The Principal Act is amended by omitting section sixty-three and by inserting in lieu thereof the following section :—

Amendment of Act No. 27, 1902.

Subst. sec. 63.

63. (1) Subject to this section every summons shall be served by a member of the police force or other person upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be met with, by leaving it with some person for him at his last or most usual place of abode.

Manner of service of summons.

(2) Subject to this section a summons in respect of an offence punishable on summary conviction under an Act specified in Part I of the Fifth Schedule to this Act, or under a rule, regulation, ordinance, by-law or order made under such an Act, or an offence punishable on summary conviction under a rule, regulation, ordinance, by-law or order specified in Part II of the Fifth Schedule to this Act, may be served by posting it not less than twenty-eight days before the return day by ordinary prepaid post addressed to the person to whom it is directed—

(a) where that person is a natural person, at his last known place of residence or business ;

(b) where that person is a body corporate, at a place where it trades or carries on business ; or

(c)

Justices (Amendment).

(c) in either case referred to in paragraphs (a) and
(b) of this subsection—

(i) where there is a prescribed address for
the person; and

5 (ii) where there are no circumstances
making it appear to a court that the
prescribed address for that person is not
the address referred to in paragraph (a)
10 or, as the case may require, paragraph
(b) of this subsection in relation to that
person,

at the prescribed address for that person.

(3) Subject to subsection four of this section,
15 service of a summons in the manner referred to in
subsection one or two of this section may be proved by
the oath of the member of the police force or other
person who served it, or by affidavit or otherwise.

(4) Where a summons is posted as provided in
this section—

20 (a) the deposition or affidavit of service shall state
the manner in which the deponent was informed
of the address to which it was so posted and the
time and place of posting; and

25 (b) in the absence of any proof to the contrary, the
summons shall be deemed to have been duly
served on the person to whom it is directed at
the time at which it would be delivered in the
ordinary course of post.

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Justices (Amendment).

5 (5) The Justice or Justices at the hearing or
adjourned hearing of an information in respect of which
a summons has been issued may, notwithstanding
service of the summons in the manner provided by
subsection two of this section, order that a further
summons in respect of the same offence be served in the
manner provided by subsection one of this section, and
may adjourn or further adjourn the hearing to enable
that summons to be served in accordance with that
10 order.

15 (6) Where a request in writing is made to the
Minister that any Act or any rule, regulation, ordinance,
by-law or order made under any Act be added to the
Fifth Schedule to this Act and the Minister is satisfied
that the Act or rule, regulation, ordinance, by-law or
order is one in respect of which it would be appropriate
to permit the service of summonses by post as provided
by this section, the Minister may, by order published in
the Gazette, add that Act or rule, regulation, ordinance,
20 by-law or order to the Fifth Schedule to this Act.

(7) In this section "prescribed address"
means—

25 (a) in relation to a person alleged to have committed
an offence arising out of the driving or use of a
motor vehicle, or an attempt to do so (not
being an offence referred to in paragraph (b) of
this subsection)—the address appearing as the
address of that person on a license within the
meaning of the Motor Traffic Act, 1909, or any
30 law of a State or of a Territory of the Com-
monwealth that corresponds to that Act,
produced by that person at or about the time of
the alleged offence or upon the investigation
thereof;

(b)

Justices (Amendment).

5 (b) in relation to a person alleged to have committed an offence as owner of a motor vehicle—the address appearing on the current certificate of registration of the motor vehicle under the Motor Traffic Act, 1909, or any law of a State or of a Territory of the Commonwealth that corresponds to that Act, as the address of the person in whose name the motor vehicle is registered; or

10 (c) in relation to a person alleged to have committed any other offence against an Act, rule, regulation, ordinance, by-law or order specified in the Fifth Schedule to this Act—the address appearing as the address of that person in any license or registration for the time being in force
15 pertaining to that person or to any property of which that person appears to be the owner or occupier, being a license or registration held or effected by that person under the Act against which, or under the Act authorising the making
20 of the rule, regulation, ordinance, by-law or order against which, the offence is alleged to have been committed.

25 (8) This section shall be construed as operating in addition to, and not as derogating from, the operation of a provision of any other Act relating to the service of summonses, and any such provision shall be construed as operating in addition to, and not as derogating from, the operation of this section.

30 **3.** The Principal Act is further amended by omitting from subsection two of section 100A the words “three months” and by inserting in lieu thereof the words “six months”.

Further amendment of Act No. 27, 1902. Sec. 100A. (Court may annul certain convictions and penalties.)

4.

Justices (Amendment).

4. (1) The Principal Act is further amended—

Further amendment of Act No. 27, 1902.

(a) by omitting section fifty-one;

Sec. 51. (Forms in Schedule, or to like effect, to be valid.)

(b) by omitting section ninety-nine;

Sec. 99. (Forms in Schedule, or to like effect, to be valid.)

5 (c) by omitting from subsection one of section one hundred and one the words "which may be in the form in the Third Schedule to this Act" and by inserting in lieu thereof the words "in the form prescribed";

Sec. 101. (Stated cases.)

10 (d) by inserting next after subsection (1B) of section one hundred and fifty-four the following new subsection :—

Sec. 154. (Regulations.)

(1C) The Governor may make regulations not inconsistent with this Act prescribing any forms to be used under this Act.

15 (e) by omitting the Second Schedule;

Second Schedule.

(f) by omitting the Third Schedule.

Third Schedule.

(2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Justices (Amendment).

5. The Principal Act is further amended by inserting at the end thereof the following new Schedule :—

Further amendment of Act No. 27, 1902.
New Fifth Schedule.
Sec. 63.

FIFTH SCHEDULE.

PART I.

- 5 Centenary Celebration Act (51 Victoria No. 9).
Metropolitan Traffic Act, 1900.
Motor Traffic Act, 1909.
Motor Vehicles Taxation Management Act, 1949.
Motor Vehicles (Third Party Insurance) Act, 1942.
- 10 Transport Act, 1930.

PART II.

Local Government Act, 1919, Ordinances 34 and 34A.

6. The Motor Traffic Act, 1909, is amended by omitting paragraph (b) of subsection one of section 18c and by inserting in lieu thereof the following paragraph :—

Amendment of Act No. 5, 1909.
Sec. 18c.
(Ex parte procedure for offences referred to in section 18B.)

- 15 (b) a summons for the appearance of the defendant to answer to the information has been served on the defendant in any manner provided by law for the service of such a summons on that defendant in relation to that offence; and.
- 20

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[10c]

This public bill originated in the Legislative Assembly, and having that day taken its course in the Legislative Council for its passage.

F. P. K. VIDLER,

The Principal Secretary to Government, Legislative Assembly, Government of Madras.

1952

10. The Government of Madras, in exercise of the powers conferred by clause (a) of section 2 of the Government of Madras (Amendment) Act, 1952, hereby appoints the following as members of the Legislative Council for the term ending on the 31st day of March 1953:

LEGISLATIVE COUNCIL

1. The Government of Madras, in exercise of the powers conferred by clause (a) of section 2 of the Government of Madras (Amendment) Act, 1952, hereby appoints the following as members of the Legislative Council for the term ending on the 31st day of March 1953:

BT

1952

No. , 1970.

A BILL

To make certain provisions with respect to the service of summonses; for this purpose and for other purposes to amend the Justices Act, 1902, and the Motor Traffic Act, 1909; and for purposes connected therewith.

[MR MADDISON—24 *November*, 1970.]

BE

Justices (Amendment).

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, 1970". Short title.

(2) The Justices Act, 1902, is in this Act referred to as the Principal Act.

2. The Principal Act is amended by omitting section sixty-three and by inserting in lieu thereof the following section :— Amendment of Act No. 27, 1902. Subst. sec. 63.

63. (1) Subject to this section every summons shall be served by a member of the police force or other person upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be met with, by leaving it with some person for him at his last or most usual place of abode. Manner of service of summons.

(2) Subject to this section a summons in respect of an offence punishable on summary conviction under an Act specified in Part I of the Fifth Schedule to this Act, or under a rule, regulation, ordinance, by-law or order made under such an Act, or an offence punishable on summary conviction under a rule, regulation, ordinance, by-law or order specified in Part II of the Fifth Schedule to this Act, may be served by posting it not less than twenty-eight days before the return day by ordinary prepaid post addressed to the person to whom it is directed—

(a) where that person is a natural person, at his last known place of residence or business;

(b) where that person is a body corporate, at a place where it trades or carries on business; or

(c)

Justices (Amendment).

(c) in either case referred to in paragraphs (a) and (b) of this subsection—

(i) where there is a prescribed address for the person; and

5 (ii) where there are no circumstances making it appear to a court that the prescribed address for that person is not the address referred to in paragraph (a) or, as the case may require, paragraph
10 (b) of this subsection in relation to that person,

at the prescribed address for that person.

(3) Subject to subsection four of this section, service of a summons in the manner referred to in
15 subsection one or two of this section may be proved by the oath of the member of the police force or other person who served it, or by affidavit or otherwise.

(4) Where a summons is posted as provided in this section—

20 (a) the deposition or affidavit of service shall state the manner in which the deponent was informed of the address to which it was so posted and the time and place of posting; and

25 (b) in the absence of any proof to the contrary, the summons shall be deemed to have been duly served on the person to whom it is directed at the time at which it would be delivered in the ordinary course of post.

(5)

Justices (Amendment).

5 (5) The Justice or Justices at the hearing or
adjourned hearing of an information in respect of which
a summons has been issued may, notwithstanding
service of the summons in the manner provided by
subsection two of this section, order that a further
summons in respect of the same offence be served in the
manner provided by subsection one of this section, and
may adjourn or further adjourn the hearing to enable
that summons to be served in accordance with that
10 order.

15 (6) Where a request in writing is made to the
Minister that any Act or any rule, regulation, ordinance,
by-law or order made under any Act be added to the
Fifth Schedule to this Act and the Minister is satisfied
that the Act or rule, regulation, ordinance, by-law or
order is one in respect of which it would be appropriate
to permit the service of summonses by post as provided
by this section, the Minister may, by order published in
the Gazette, add that Act or rule, regulation, ordinance,
20 by-law or order to the Fifth Schedule to this Act.

(7) In this section "prescribed address"
means—

25 (a) in relation to a person alleged to have committed
an offence arising out of the driving or use of a
motor vehicle, or an attempt to do so (not
being an offence referred to in paragraph (b) of
this subsection)—the address appearing as the
address of that person on a license within the
meaning of the Motor Traffic Act, 1909, or any
30 law of a State or of a Territory of the Com-
monwealth that corresponds to that Act,
produced by that person at or about the time of
the alleged offence or upon the investigation
thereof;

(b)

Justices (Amendment).

5 (b) in relation to a person alleged to have committed an offence as owner of a motor vehicle—the address appearing on the current certificate of registration of the motor vehicle under the Motor Traffic Act, 1909, or any law of a State or of a Territory of the Commonwealth that corresponds to that Act, as the address of the person in whose name the motor vehicle is registered; or

10 (c) in relation to a person alleged to have committed any other offence against an Act, rule, regulation, ordinance, by-law or order specified in the Fifth Schedule to this Act—the address appearing as the address of that person in any license
15 or registration for the time being in force pertaining to that person or to any property of which that person appears to be the owner or occupier, being a license or registration held or effected by that person under the Act against which, or under the Act authorising the making
20 of the rule, regulation, ordinance, by-law or order against which, the offence is alleged to have been committed.

25 (8) This section shall be construed as operating in addition to, and not as derogating from, the operation of a provision of any other Act relating to the service of summonses, and any such provision shall be construed as operating in addition to, and not as derogating from, the operation of this section.

30 3. The Principal Act is further amended by omitting from subsection two of section 100A the words “three months” and by inserting in lieu thereof the words “six months”.

Further amendment of Act No. 27, 1902. Sec. 100A. (Court may annul certain convictions and penalties.)

4.

Justices (Amendment).

4. (1) The Principal Act is further amended—

Further amendment of Act No. 27, 1902.

(a) by omitting section fifty-one;

Sec. 51.
(Forms in Schedule, or to like effect, to be valid.)

(b) by omitting section ninety-nine;

Sec. 99.
(Forms in Schedule, or to like effect, to be valid.)

5 (c) by omitting from subsection one of section one hundred and one the words "which may be in the form in the Third Schedule to this Act" and by inserting in lieu thereof the words "in the form prescribed";

Sec. 101.
(Stated cases.)

10 (d) by inserting next after subsection (1B) of section one hundred and fifty-four the following new subsection :—

Sec. 154.
(Regulations.)

(1c) The Governor may make regulations not inconsistent with this Act prescribing any forms to be used under this Act.

15 (e) by omitting the Second Schedule;

Second Schedule.

(f) by omitting the Third Schedule.

Third Schedule.

(2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Justices (Amendment).

5. The Principal Act is further amended by inserting at the end thereof the following new Schedule :—

Further amendment of Act No. 27, 1902.

New Fifth Schedule.

Sec. 63.

FIFTH SCHEDULE.

PART I.

- 5 Centenary Celebration Act (51 Victoria No. 9).
Metropolitan Traffic Act, 1900.
Motor Traffic Act, 1909.
Motor Vehicles Taxation Management Act, 1949.
Motor Vehicles (Third Party Insurance) Act, 1942.
- 10 Transport Act, 1930.

PART II.

Local Government Act, 1919, Ordinances 34 and 34A.

6. The Motor Traffic Act, 1909, is amended by omitting paragraph (b) of subsection one of section 18c and by inserting in lieu thereof the following paragraph :—

Amendment of Act No. 5, 1909.

Sec. 18c.

(Ex parte procedure for offences referred to in section 18B.)

- 15 (b) a summons for the appearance of the defendant to answer to the information has been served on the defendant in any manner provided by law for the service of such a summons on that defendant in relation to that offence; and.
- 20

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

[10c]

Act No. 1970

The following are the bills introduced by the Senate during the session of the Legislature, 1970:

1970
1970
1970
1970
1970

FIFTH REPORT

Part I

- 1. Civil Service Act (1970)
- 2. Municipalities Act (1970)
- 3. Motor Vehicle License Management Act (1970)
- 4. Motor Vehicle License (Third Party Insurance) Act (1970)
- 5. Motor Vehicle License (Third Party Insurance) Act (1970)

Part II

Local Government Act (1970)

1. The following are the bills introduced by the Senate during the session of the Legislature, 1970:

2. The following are the bills introduced by the Senate during the session of the Legislature, 1970:

3. The following are the bills introduced by the Senate during the session of the Legislature, 1970:

4. The following are the bills introduced by the Senate during the session of the Legislature, 1970:

5. The following are the bills introduced by the Senate during the session of the Legislature, 1970:

JUSTICES (AMENDMENT) BILL, 1970

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide, in the case of certain offences punishable summarily, for the service of summonses by post;
- (b) to prescribe certain addresses as the addresses that may, in certain circumstances, be used as the addresses for the service of summonses by post;
- (c) where a person is convicted or penalised ex parte under section seventy-five of the Principal Act, or under section 18c of the Motor Traffic Act, 1909, to extend the time within which that person might apply for the annulment of the conviction or penalty;
- (d) to enable certain forms, at present included in Schedules to the Principal Act, to be prescribed by regulations;
- (e) to condition the operation of section 18c of the Motor Traffic Act, 1909, on the service of a summons not only in the manner provided by the Principal Act, but also in any other lawful manner;
- (f) to make provisions consequential upon or ancillary to the foregoing.

PROOF

No. , 1970.

A BILL

To make certain provisions with respect to the service of summonses; for this purpose and for other purposes to amend the Justices Act, 1902, and the Motor Traffic Act, 1909; and for purposes connected therewith.

[MR MADDISON—24 November, 1970.]

BE

Justices (Amendment).

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, 1970". Short title.

(2) The Justices Act, 1902, is in this Act referred to as the Principal Act.

2. The Principal Act is amended by omitting section sixty-three and by inserting in lieu thereof the following section :— Amendment of Act No. 27, 1902. Subst. sec. 63.

63. (1) Subject to this section every summons shall be served by a member of the police force or other person upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be met with, by leaving it with some person for him at his last or most usual place of abode. Manner of service of summons.

(2) Subject to this section a summons in respect of an offence punishable on summary conviction under an Act specified in Part I of the Fifth Schedule to this Act, or under a rule, regulation, ordinance, by-law or order made under such an Act, or an offence punishable on summary conviction under a rule, regulation, ordinance, by-law or order specified in Part II of the Fifth Schedule to this Act, may be served by posting it not less than twenty-eight days before the return day by ordinary prepaid post addressed to the person to whom it is directed—

(a) where that person is a natural person, at his last known place of residence or business ;

(b) where that person is a body corporate, at a place where it trades or carries on business ; or

(c)

Justices (Amendment).

(c) in either case referred to in paragraphs (a) and (b) of this subsection—

(i) where there is a prescribed address for the person ; and

5 (ii) where there are no circumstances making it appear to a court that the prescribed address for that person is not the address referred to in paragraph (a) or, as the case may require, paragraph
10 (b) of this subsection in relation to that person,

at the prescribed address for that person.

(3) Subject to subsection four of this section, service of a summons in the manner referred to in
15 subsection one or two of this section may be proved by the oath of the member of the police force or other person who served it, or by affidavit or otherwise.

(4) Where a summons is posted as provided in this section—

20 (a) the deposition or affidavit of service shall state the manner in which the deponent was informed of the address to which it was so posted and the time and place of posting ; and

25 (b) in the absence of any proof to the contrary, the summons shall be deemed to have been duly served on the person to whom it is directed at the time at which it would be delivered in the ordinary course of post.

(5)

Justices (Amendment).

5 (5) The Justice or Justices at the hearing or
adjourned hearing of an information in respect of which
a summons has been issued may, notwithstanding
service of the summons in the manner provided by
subsection two of this section, order that a further
summons in respect of the same offence be served in the
manner provided by subsection one of this section, and
may adjourn or further adjourn the hearing to enable
that summons to be served in accordance with that
10 order.

15 (6) Where a request in writing is made to the
Minister that any Act or any rule, regulation, ordinance,
by-law or order made under any Act be added to the
Fifth Schedule to this Act and the Minister is satisfied
that the Act or rule, regulation, ordinance, by-law or
order is one in respect of which it would be appropriate
to permit the service of summonses by post as provided
by this section, the Minister may, by order published in
the Gazette, add that Act or rule, regulation, ordinance,
20 by-law or order to the Fifth Schedule to this Act.

(7) In this section "prescribed address"
means—

25 (a) in relation to a person alleged to have committed
an offence arising out of the driving or use of a
motor vehicle, or an attempt to do so (not
being an offence referred to in paragraph (b) of
this subsection)—the address appearing as the
address of that person on a license within the
meaning of the Motor Traffic Act, 1909, or any
law of a State or of a Territory of the Com-
monwealth that corresponds to that Act,
30 produced by that person at or about the time of
the alleged offence or upon the investigation
thereof ;

(b)

Justices (Amendment).

5 (b) in relation to a person alleged to have committed an offence as owner of a motor vehicle—the address appearing on the current certificate of registration of the motor vehicle under the Motor Traffic Act, 1909, or any law of a State or of a Territory of the Commonwealth that corresponds to that Act, as the address of the person in whose name the motor vehicle is registered; or

10 (c) in relation to a person alleged to have committed any other offence against an Act, rule, regulation, ordinance, by-law or order specified in the Fifth Schedule to this Act—the address appearing as the address of that person in any license
15 or registration for the time being in force pertaining to that person or to any property of which that person appears to be the owner or occupier, being a license or registration held or effected by that person under the Act against
20 which, or under the Act authorising the making of the rule, regulation, ordinance, by-law or order against which, the offence is alleged to have been committed.

25 (8) This section shall be construed as operating in addition to, and not as derogating from, the operation of a provision of any other Act relating to the service of summonses, and any such provision shall be construed as operating in addition to, and not as derogating from, the operation of this section.

30 **3.** The Principal Act is further amended by omitting from subsection two of section 100A the words “three months” and by inserting in lieu thereof the words “six months”.

Further amendment of Act No. 27, 1902. Sec. 100A. (Court may annul certain convictions and penalties.)

4.

Justices (Amendment).

4. (1) The Principal Act is further amended—
- (a) by omitting section fifty-one ;
- (b) by omitting section ninety-nine ;
- 5 (c) by omitting from subsection one of section one hundred and one the words "which may be in the form in the Third Schedule to this Act" and by inserting in lieu thereof the words "in the form prescribed";
- 10 (d) by inserting next after subsection (1B) of section one hundred and fifty-four the following new subsection :—
- (1c) The Governor may make regulations not inconsistent with this Act prescribing any forms to be used under this Act.
- 15 (e) by omitting the Second Schedule ;
- (f) by omitting the Third Schedule.
- (2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further amendment of Act No. 27, 1902.

Sec. 51.
(Forms in Schedule, or to like effect, to be valid.)

Sec. 99.
(Forms in Schedule, or to like effect, to be valid.)

Sec. 101.
(Stated cases.)

Sec. 154.
(Regulations.)

Second Schedule.

Third Schedule.

Justices (Amendment).

5. The Principal Act is further amended by inserting at the end thereof the following new Schedule :—

Further amendment of Act No. 27, 1902.
New Fifth Schedule.

Sec. 63.

FIFTH SCHEDULE.

PART I.

- 5 Centenary Celebration Act (51 Victoria No. 9).
Metropolitan Traffic Act, 1900.
Motor Traffic Act, 1909.
Motor Vehicles Taxation Management Act, 1949.
Motor Vehicles (Third Party Insurance) Act, 1942.
10 Transport Act, 1930.

PART II.

Local Government Act, 1919, Ordinances 34 and 34A.

6. The Motor Traffic Act, 1909, is amended by omitting paragraph (b) of subsection one of section 18c and by inserting in lieu thereof the following paragraph :—

Amendment of Act No. 5, 1909.
Sec. 18c.

- (b) a summons for the appearance of the defendant to answer to the information has been served on the defendant in any manner provided by law for the service of such a summons on that defendant in relation to that offence; and
- 20

(Ex parte procedure for offences referred to in section 18B.)

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1970

Act No. 1370

Law of 1960

2 The purpose of this Act is to amend the Act of 1957 and to insert the following new sections:

Section 1
Section 2
Section 3
Section 4
Section 5

ARTICLE II

Part I

Section 1
Section 2
Section 3
Section 4
Section 5

Part II

Section 1
Section 2

3 The Act of 1957 is amended by adding the following sections:
Section 1
Section 2
Section 3

4 In a summary of the activities of the defendant in question, the information has been given on the defendant in any former period for law for the period of such a summary on that defendant in relation to that period, and

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 26 November, 1970.*

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 85, 1970.

An Act to make certain provisions with respect to the service of summonses; for this purpose and for other purposes to amend the Justices Act, 1902, and the Motor Traffic Act, 1909; and for purposes connected therewith. [Assented to, 9th December, 1970.]

BE

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Justices (Amendment).

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 :—

Short title. **1.** (1) This Act may be cited as the "Justices (Amendment) Act, 1970".

(2) The Justices Act, 1902, is in this Act referred to as the Principal Act.

Amendment of Act No. 27, 1902. **2.** The Principal Act is amended by omitting section sixty-three and by inserting in lieu thereof the following section :—
Subst. sec. 63.

Manner of service of summons.

63. (1) Subject to this section every summons shall be served by a member of the police force or other person upon the person to whom it is directed by delivering it to him personally or, if he cannot conveniently be met with, by leaving it with some person for him at his last or most usual place of abode.

(2) Subject to this section a summons in respect of an offence punishable on summary conviction under an Act specified in Part I of the Fifth Schedule to this Act, or under a rule, regulation, ordinance, by-law or order made under such an Act, or an offence punishable on summary conviction under a rule, regulation, ordinance, by-law or order specified in Part II of the Fifth Schedule to this Act, may be served by posting it not less than twenty-eight days before the return day by ordinary prepaid post addressed to the person to whom it is directed—

- (a) where that person is a natural person, at his last known place of residence or business;
- (b) where that person is a body corporate, at a place where it trades or carries on business; or
- (c)

Justices (Amendment).

(c) in either case referred to in paragraphs (a) and (b) of this subsection—

(i) where there is a prescribed address for the person; and

(ii) where there are no circumstances making it appear to a court that the prescribed address for that person is not the address referred to in paragraph (a) or, as the case may require, paragraph (b) of this subsection in relation to that person,

at the prescribed address for that person.

(3) Subject to subsection four of this section, service of a summons in the manner referred to in subsection one or two of this section may be proved by the oath of the member of the police force or other person who served it, or by affidavit or otherwise.

(4) Where a summons is posted as provided in this section—

(a) the deposition or affidavit of service shall state the manner in which the deponent was informed of the address to which it was so posted and the time and place of posting; and

(b) in the absence of any proof to the contrary, the summons shall be deemed to have been duly served on the person to whom it is directed at the time at which it would be delivered in the ordinary course of post.

(5)

Justices (Amendment).

(5) The Justice or Justices at the hearing or adjourned hearing of an information in respect of which a summons has been issued may, notwithstanding service of the summons in the manner provided by subsection two of this section, order that a further summons in respect of the same offence be served in the manner provided by subsection one of this section, and may adjourn or further adjourn the hearing to enable that summons to be served in accordance with that order.

(6) In this section "prescribed address" means—

- (a) in relation to a person alleged to have committed an offence arising out of the driving or use of a motor vehicle, or an attempt to do so (not being an offence referred to in paragraph (b) of this subsection)—the address appearing as the address of that person on a license within the meaning of the Motor Traffic Act, 1909, or any law of a State or of a Territory of the Commonwealth that corresponds to that Act, produced by that person at or about the time of the alleged offence or upon the investigation thereof;
- (b) in relation to a person alleged to have committed an offence as owner of a motor vehicle—the address appearing on the current certificate of registration of the motor vehicle under the Motor Traffic Act, 1909, or any law of a State or of a Territory of the Commonwealth that corresponds to that Act, as the address of the person in whose name the motor vehicle is registered; or

(c)

Justices (Amendment).

(c) in relation to a person alleged to have committed any other offence against an Act, rule, regulation, ordinance, by-law or order specified in the Fifth Schedule to this Act—the address appearing as the address of that person in any license or registration for the time being in force pertaining to that person or to any property of which that person appears to be the owner or occupier, being a license or registration held or effected by that person under the Act against which, or under the Act authorising the making of the rule, regulation, ordinance, by-law or order against which, the offence is alleged to have been committed.

(7) This section shall be construed as operating in addition to, and not as derogating from, the operation of a provision of any other Act relating to the service of summonses, and any such provision shall be construed as operating in addition to, and not as derogating from, the operation of this section.

3. The Principal Act is further amended by omitting from subsection two of section 100A the words “three months” and by inserting in lieu thereof the words “six months”.

Further amendment of Act No. 27, 1902.
Sec. 100A.
(Court may annul certain convictions and penalties.)

4. (1) The Principal Act is further amended—

Further amendment of Act No. 27, 1902.

(a) by omitting section fifty-one;

Sec. 51.
(Forms in Schedule, or to like effect, to be valid.)

(b)

Justices (Amendment).

Sec. 99.
(Forms in
Schedule,
or to like
effect, to
be valid.)

(b) by omitting section ninety-nine;

Sec. 101.
(Stated
cases.)

(c) by omitting from subsection one of section one hundred and one the words "which may be in the form in the Third Schedule to this Act" and by inserting in lieu thereof the words "in the form prescribed";

Sec. 154.
(Regula-
tions.)

(d) by inserting next after subsection (1B) of section one hundred and fifty-four the following new subsection :—

(1C) The Governor may make regulations not inconsistent with this Act prescribing any forms to be used under this Act.

Second
Schedule.

(e) by omitting the Second Schedule;

Third
Schedule.

(f) by omitting the Third Schedule.

(2) Subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Justices (Amendment).

5. The Principal Act is further amended by inserting at the end thereof the following new Schedule :—

Further amendment of Act No. 27, 1902. New Fifth Schedule.

FIFTH SCHEDULE.

Sec. 63.

PART I.

Centenary Celebration Act (51 Victoria No. 9).
Metropolitan Traffic Act, 1900.
Motor Traffic Act, 1909.
Motor Vehicles Taxation Management Act, 1949.
Motor Vehicles (Third Party Insurance) Act, 1942.
Transport Act, 1930.

PART II.

Local Government Act, 1919, Ordinances 34 and 34A.

6. The Motor Traffic Act, 1909, is amended by omitting paragraph (b) of subsection one of section 18c and by inserting in lieu thereof the following paragraph :—

Amendment of Act No. 5, 1909.

Sec. 18c.

(b) a summons for the appearance of the defendant to answer to the information has been served on the defendant in any manner provided by law for the service of such a summons on that defendant in relation to that offence; and.

(Ex parte procedure for offences referred to in section 18B.)

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 9th December, 1970.*

Article 1 (Amendment)

The principal acts heretofore amended by Chapter 100 of the Acts of 1969 are hereby amended to read as follows:

Section 100-100
Section 100-101
Section 100-102
Section 100-103
Section 100-104

ARTICLE 100

Part 1

Chapter 100-100, Act No. 100 of 1969, is amended to read as follows:
Chapter 100-101, Act No. 100 of 1969, is amended to read as follows:
Chapter 100-102, Act No. 100 of 1969, is amended to read as follows:
Chapter 100-103, Act No. 100 of 1969, is amended to read as follows:
Chapter 100-104, Act No. 100 of 1969, is amended to read as follows:

Chapter 100-105, Act No. 100 of 1969, is amended to read as follows:

The principal acts heretofore amended by Chapter 100 of the Acts of 1969 are hereby amended to read as follows:

Section 100-105
Section 100-106
Section 100-107
Section 100-108
Section 100-109

Chapter 100-110, Act No. 100 of 1969, is amended to read as follows:

in the name and on behalf of the State of New Jersey to the
A. H. CUTLER
Governor

Government House
Trenton, New Jersey