CRIMES (AMENDMENT) ACT, 1980, No. 53

New South Wales

ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

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Act No. 53, 1980.

An Act to amend the Crimes Act, 1900, in relation to the poisoning of water supplies and assaults by prisoners on prison officers, and in certain other respects. [Assented to, 28th April, 1980.]

P 78933B (35c)

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. This Act may be cited as the "Crimes (Amendment) Act, 1980".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The Crimes Act, 1900, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

Amendment of Act No. 40, 1900.

5. The Principal Act is amended in the manner set forth in Schedules 1 and 2.

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 1, matter relating to Chapter III of Part XIV—

Omit "521", insert instead "521A".

(2) Section 41A—

After section 41, insert :—

41A. Whosoever maliciously introduces any poison or other destructive or noxious thing into a supply of water with intent to injure any person or persons shall be liable to penal servitude for 5 years.

Poisoning, &c., of water supply.

(3) Section 154A (2)—

After "motor lorry,", insert "tractor, earth moving equipment,".

(4) Section 340 (2)—

At the end of section 340, insert :—

(2) In this section, "magistrate" includes a stipendiary magistrate, a special magistrate exercising the jurisdiction of a children's court and an industrial magistrate appointed under the Industrial Arbitration Act, 1940.

(5) Section 341 (2)—

After "magistrate", insert "as defined in section 340 (2)".

(6) Section 437 (3)—

After "sentence", insert "(as referred to in subsection (6) of that section)".

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) (a) Section 444 (4)—

After "this section,", insert "except subsection (5),".

(b) Section 444 (5)—

After section 444 (4), insert :—

(5) Where a person is serving a sentence of penal servitude or imprisonment at the time of his conviction by a magistrate in respect of 1 or more offences which are committed after the commencement of this subsection and which involved an assault on a prison officer while in the execution of his duty, the magistrate may—

(a) whether or not the person is being dealt with under section 476;

(b) whether or not the sentence being served is cumulative on other sentences already served;

(c) whether or not the person is liable to serve a cumulative sentence or cumulative sentences of penal servitude or imprisonment on the expiration of the sentence being served; and

(d) if—

(i) in a case where the person is not liable to serve a cumulative sentence or cumulative sentences on the expiration of the sentence being served—the sentence being served; or

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(ii) in a case where the person is liable to serve a cumulative sentence or cumulative sentences on the expiration of the sentence being served—the last of the sentences to be served,

was imposed by a Judge,

direct that the sentence for the offence or for 1 only of the offences, as the case may be, of which the person then stands convicted shall commence, in the case referred to in paragraph (d) (i), at the expiration of the sentence being served or, in the case referred to in paragraph (d) (ii), at the expiration of the last of the sentences to be served.

(8) (a) Section 447B (1)—

Omit "Where the Court before which a person is convicted on indictment of an offence not punishable with penal servitude for life", insert instead "Where a person is found guilty of an offence not punishable with penal servitude for life with which he has been charged on indictment and the Court".

(b) Section 447B (1)—

Omit "convicted" wherever except where firstly occurring, insert instead "found guilty".

(c) Section 447B (1), proviso—

Omit "the sentence passed", insert instead "any sentence imposed".

(d) Section 447B (1), proviso—

Omit "be passed", insert instead "be imposed".

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 447B (2)—

Omit "conviction of the".

(f) Section 447B (2)—

Omit "upon that conviction", insert instead "upon that person".

(g) Section 447B (2), proviso—

Omit "that conviction is", insert instead "the decision of the Court is".

(h) Section 447B (4)—

Omit "of which he has been convicted".

(i) Section 447B (6)—

After section 447B (5), insert : —

(6) A reference in this section to "passing sentence" includes a reference to—

(a) deferring the passing of a sentence;

(b) making an order under section 556A (1); and

(c) making a decision or an order to remand in custody or to remand and release upon conditions or otherwise.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Section 521A—

After section 521, insert :—

521A. Whosoever steals— Stealing of rock, stone, etc.

(a) any rock or rocks;

(b) any stone or stones; or

(c) any gravel, soil, sand or clay,

that is or are in, on or under, or forms or form part of any land shall, on conviction before 2 Justices, be liable to imprisonment for 6 months, or to pay a fine of $500, or both.

(10) Section 526A (1A)—

After "motor lorry,", insert "tractor, earth moving equipment,".

(11) (a) Ninth Schedule—

From paragraphs (2) and (3), omit "convicted" wherever occurring, insert instead "found guilty".

(b) Ninth Schedule—

From paragraph (4), omit "your conviction for", insert instead "the decision of the Court in respect of".

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) (a) Section 1, matter relating to Part III—

Omit "17", insert instead "18".

(b) Section 1, matter relating to Chapter I of Part IV—

Omit "—143", insert instead ", 140".

(c) Section 1, matter relating to Part V—

Omit "(18) *Forgery or fraudulent use of trade-marks.—s.* 299.".

(d) Section 1, matter relating to Part XI—

Omit "(5) *Reserving questions of law.—s.* 428. (*Repealed,* 1912, *No.* 16, *s.* 23 (2).)".

(e) Section 1, matter relating to Part XII—

Omit "(1) *Juvenile offenders.—s.* 429.".

(f) Section 1, matter relating to Part XII—

Omit "*ss.* 430, 431", insert instead "*s.* 431".

(g) Section 1, matter relating to Part XIII—

Omit "(2) *Penal servitude sentences.—ss.* 453, 454.".

(h) Section 1, matter relating to Part XIII—

Omit "469", insert instead "468".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(i) Section 1, matter relating to Part XIII—

Omit :—

(D) APPEALS—

(1) *Questions reserved.—s.* 470. (*Repealed, Act No.* 16, 1912, *s.* 23 (2).)

(2) *Writs of error.—s.* 471. (*Repealed, Ibid.*)

(3) *General provisions as to informalities. —ss.* 472, 473. (*Repealed, Ibid.*)

(4) *New trials.—s.* 474. (*Repealed, Ibid.*)

(j) Section 1, matter relating to Chapter IV of Part XIV—

Omit "(4) *Discharge of juvenile first offenders.—s.* 552.".

(k) Section 1, matter relating to Part XVI—

Omit "563", insert instead "564".

(2) Section 52A (1) (b)—

Omit "highways", insert instead "highway".

(3) Section 139—

Omit "being in", insert instead "being".

(4) Section 185A (6)—

Omit ", as amended by subsequent Acts".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(5) (a) Heading to section 247—

Omit *"over ten dollars"*.

(b) Section 247—

Omit "of this Part".

(6) Section 254—

Omit ", Auditor-General, Chief Commissioner of Crown Lands, or Collector of Customs", insert instead "or Auditor-General".

(7) (a) Section 279—

Omit "Court of Vice-Admiralty, and every".

(b) Section 279—

Omit ", Court of Quarter Sessions, and", insert instead "and every".

(8) Section 296—

Before "district", insert "local,".

(9) Heading after section 298—

Omit the heading.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(10) (a) Section 340—

Omit ", or any Chairman of Quarter Sessions, stipendiary or police magistrate", insert instead "or any magistrate".

(b) Section 340—

Omit "Chairman or".

(11) (a) Section 341 (1)—

Omit "or Chairman,".

(b) Section 341 (2)—

Omit "police or stipendiary".

(c) Section 341 (2)—

Omit ", a Judge of a District Court, or a Chairman of Quarter Sessions", insert instead "or of a District Court Judge".

(d) Section 341 (3)—

Omit ", chairman of quarter sessions,".

(e) Section 341 (3)—

Omit ", chairman, or", insert instead "or".

(12) Section 353B—

Omit "purposes", insert instead "purpose".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(13) Section 356—

Omit "those sections", insert instead "that section".

(14) Section 360A (2), proviso—

From paragraph (b), omit "subsection (4) of section 41 of the Justices Act, 1902–1951", insert instead "section 41 (4) of the Justices Act, 1902".

(15) Section 406, proviso—

From paragraph (3), omit "Police Magistrate", insert instead "magistrate".

(16) (a) Section 409—

Omit "subsection (1B) of section 41" wherever occurring, insert instead "section 41 (1B)".

(b) Section 409 (1), proviso—

Omit "subparagraph (i) of paragraph (b)", insert instead "paragraph (b) (i)".

(c) Section 409 (4)—

Omit "Justices Acts, 1902–1954", insert instead "Justices Act, 1902".

(17) Heading after section 427—

Omit the heading.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(18) Heading to Part XII—

Omit *"Juvenile offenders."*.

(19) (a) Section 440A—

Omit "section 477", insert instead "section 476".

(b) Section 440A—

Omit "—1955".

(20) (a) Section 440B (1)—

Omit ", or suspends the execution of a sentence in accordance with the provisions of this Act and, in either case", insert instead "in accordance with the provisions of this Act and".

(b) Section 440B (3)—

Omit "as amended by subsequent Acts,".

(21) Section 445—

Omit "under 'The Evidence Act, 1898,' or", insert instead "under the Evidence Act, 1898, or".

(22) Section 447B (5) (a)—

Omit "indictable offence", insert instead "indictable offence,".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(23) Section 451 (2)—

Omit ", or Police Magistrate", insert instead "or magistrate".

(24) Heading after section 452—

Omit the heading.

(25) Section 468—

Omit ", 466 and 467,", insert instead "and 466".

(26) Headings after section 468—

Omit the following headings :—

(D) APPEALS.

Questions reserved.

Writs of error.

General provisions as to informalities.

New trials.

(27) Section 481—

Omit "section 479", insert instead "section 476".

(28) Section 501 (3)—

Omit "–1951".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(29) Section 545C—

Omit "police or" wherever occurring.

(30) Section 554 (3)—

Omit "–1940".

(31) Section 572—

Omit "in the several Courts of Quarter Sessions", insert instead "in the District Court".

(32) (a) Section 578 (1)—

Omit "or Chairman of Quarter Sessions".

(b) Section 578 (1)—

Omit ", 91B, 91C or 91D", insert instead "or 91B".

(c) Section 578 (1)—

Omit "or Chairman".

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 28th April, 1980.

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980

CRIMES (AMENDMENT) BILL, 1980

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Crimes Act, 1900—

(a) to provide that it shall be an offence to introduce any poison or other destructive or noxious thing into a supply of water with intent to injure any person or persons (Schedule 1 (2));

(b) in relation to larceny of conveyances, to extend the definition of "conveyance" to include tractors and earth moving equipment (Schedule 1 (3) and (10));

(c) to extend the circumstances in which a magistrate may sentence a prisoner who assaults a prison officer (Schedule 1 (7));

(d) in relation to the taking into account of other offences at the time of sentencing for an offence, to ensure that the other offences are treated as having been dealt with at the same time, although no sentence of imprisonment is imposed at that time (for example, where sentence is deferred or the offence is found proved but no conviction is recorded) (Schedule 1 (8) and (11));

(e) to provide that it shall be an offence to steal rock, stone, gravel, soil, etc., that is in, on or under, or forms part of any land (Schedule 1 (9));

(f) to make certain amendments by way of statute law revision (Schedule 2); and

(g) to make other amendments of a minor, consequential or ancillary nature.

CRIMES (AMENDMENT) BILL, 1980

No. , 1980.

A BILL FOR

An Act to amend the Crimes Act, 1900, in relation to the poisoning of water supplies and assaults by prisoners on prison officers, and in certain other respects.

[MR F. J. WALKER—26 *March*, 1980.]

76754C 326—

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 :—

5 **1.** This Act may be cited as the "Crimes (Amendment) Act, 1980". **Short title.**

2. (1) This section and section 1 shall commence on the date of assent to this Act. **Commencement.**

(2) Except as provided in subsection (1), this Act shall 10 commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Crimes Act, 1900, is referred to in this Act as the Principal Act. **Principal Act.**

15 **4.** This Act contains the following Schedules :— **Schedules.**

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

5. The Principal Act is amended in the manner set forth in 20 Schedules 1 and 2. **Amendment of Act No. 40, 1900.**

SCHEDULE 1.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 1, matter relating to Chapter III of Part XIV—

Omit "521", insert instead "521A".

5 (2) Section 41A—

After section 41, insert :—

41A. Whosoever maliciously introduces any poison or other destructive or noxious thing into a supply of water with intent to injure any person or persons shall be liable to penal servitude for 5 years.

Poisoning, &c., of water supply.

10

(3) Section 154A (2)—

After "motor lorry,", insert "tractor, earth moving equipment,".

(4) Section 340 (2)—

15 At the end of section 340, insert :—

(2) In this section, "magistrate" includes a stipendiary magistrate, a special magistrate exercising the jurisdiction of a children's court and an industrial magistrate appointed under the Industrial Arbitration Act, 1940.

20 (5) Section 341 (2)—

After "magistrate", insert "as defined in section 340 (2)".

(6) Section 437 (3)—

After "sentence", insert "(as referred to in subsection (6) of that section)".

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) (a) Section 444 (4)—

After "this section,", insert "except subsection (5),".

5 (b) Section 444 (5)—

After section 444 (4), insert :—

(5) Where a person is serving a sentence of penal servitude or imprisonment at the time of his conviction by a magistrate in respect of 1 or more offences which
10 are committed after the commencement of this subsection and which involved an assault on a prison officer while in the execution of his duty, the magistrate may—

(a) whether or not the person is being dealt
15 with under section 476;

(b) whether or not the sentence being served is cumulative on other sentences already served;

(c) whether or not the person is liable to serve
20 a cumulative sentence or cumulative sentences of penal servitude or imprisonment on the expiration of the sentence being served; and

(d) if—

25 (i) in a case where the person is not liable to serve a cumulative sentence or cumulative sentences on the expiration of the sentence being served—the sentence being served;
30 or

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(ii) in a case where the person is liable to serve a cumulative sentence or cumulative sentences on the expiration of the sentence being served—the last of the sentences to be served,

was imposed by a Judge,

direct that the sentence for the offence or for 1 only of the offences, as the case may be, of which the person then stands convicted shall commence, in the case referred to in paragraph (d) (i), at the expiration of the sentence being served or, in the case referred to in paragraph (d) (ii), at the expiration of the last of the sentences to be served.

(8) (a) Section 447B (1)—

Omit "Where the Court before which a person is convicted on indictment of an offence not punishable with penal servitude for life", insert instead "Where a person is found guilty of an offence not punishable with penal servitude for life with which he has been charged on indictment and the Court".

(b) Section 447B (1)—

Omit "convicted" wherever except where firstly occurring, insert instead "found guilty".

(c) Section 447B (1), proviso—

Omit "the sentence passed", insert instead "any sentence imposed".

(d) Section 447B (1), proviso—

Omit "be passed", insert instead "be imposed".

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 447B (2)—

Omit "conviction of the".

5 (f) Section 447B (2)—

Omit "upon that conviction", insert instead "upon that person".

(g) Section 447B (2), proviso—

Omit "that conviction is", insert instead "the decision
10 of the Court is".

(h) Section 447B (4)—

Omit "of which he has been convicted".

(i) Section 447B (6)—

After section 447B (5), insert : —

15 (6) A reference in this section to "passing sentence" includes a reference to—

(a) deferring the passing of a sentence;

(b) making an order under section 556A (1); and

20 (c) making a decision or an order to remand in custody or to remand and release upon conditions or otherwise.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(9) Section 521A—

After section 521, insert :—

5 521A. Whosoever steals— Stealing of rock, stone, etc.

(a) any rock or rocks;

(b) any stone or stones; or

(c) any gravel, soil, sand or clay,

that is or are in, on or under, or forms or form part of any
10 land shall, on conviction before 2 Justices, be liable to imprisonment for 6 months, or to pay a fine of $500, or both.

(10) Section 526A (1A)—

After "motor lorry,", insert "tractor, earth moving equip-
15 ment,".

(11) (a) Ninth Schedule—

From paragraphs (2) and (3), omit "convicted" wherever occurring, insert instead "found guilty".

(b) Ninth Schedule—

20 From paragraph (4), omit "your conviction for", insert instead "the decision of the Court in respect of".

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION.

(1) (a) Section 1, matter relating to Part III—

Omit "17", insert instead "18".

(b) Section 1, matter relating to Chapter I of Part IV—

Omit "—143", insert instead ", 140".

(c) Section 1, matter relating to Part V—

Omit "(18) *Forgery or fraudulent use of trade-marks.—s.* 299.".

(d) Section 1, matter relating to Part XI—

Omit "(5) *Reserving questions of law.—s.* 428. (*Repealed,* 1912, *No.* 16, *s.* 23 (2).)".

(e) Section 1, matter relating to Part XII—

Omit "(1) *Juvenile offenders.—s.* 429.".

(f) Section 1, matter relating to Part XII—

Omit "*ss.* 430, 431", insert instead "*s.* 431".

(g) Section 1, matter relating to Part XIII—

Omit "(2) *Penal servitude sentences.—ss.* 453, 454.".

(h) Section 1, matter relating to Part XIII—

Omit "469", insert instead "468".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(i) Section 1, matter relating to Part XIII—

5 Omit :—

(D) APPEALS—

(1) *Questions reserved.—s.* 470. (*Repealed, Act No.* 16, 1912, *s.* 23 (2).)

10 (2) *Writs of error.—s.* 471. (*Repealed, Ibid.*)

(3) *General provisions as to informalities. —ss.* 472, 473. (*Repealed, Ibid.*)

(4) *New trials.—s.* 474. (*Repealed, Ibid.*)

15 (j) Section 1, matter relating to Chapter IV of Part XIV—

Omit "(4) *Discharge of juvenile first offenders.—s.* 552.".

(k) Section 1, matter relating to Part XVI—

Omit "563", insert instead "564".

20 (2) Section 52A (1) (b)—

Omit "highways", insert instead "highway".

(3) Section 139—

Omit "being in", insert instead "being".

(4) Section 185A (6)—

25 Omit ", as amended by subsequent Acts".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(5) (a) Heading to section 247—

5 Omit *"over ten dollars"*.

(b) Section 247—

Omit "of this Part".

(6) Section 254—

Omit ", Auditor-General, Chief Commissioner of Crown
10 Lands, or Collector of Customs", insert instead "or Auditor-General".

(7) (a) Section 279—

Omit "Court of Vice-Admiralty, and every".

(b) Section 279—

15 Omit ", Court of Quarter Sessions, and", insert instead "and every".

(8) Section 296—

Before "district", insert "local,".

(9) Heading after section 298—

20 Omit the heading.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(10) (a) Section 340—

Omit ", or any Chairman of Quarter Sessions, stipendiary or police magistrate", insert instead "or any magistrate".

(b) Section 340—

Omit "Chairman or".

(11) (a) Section 341 (1)—

Omit "or Chairman,".

(b) Section 341 (2)—

Omit "police or stipendiary".

(c) Section 341 (2)—

Omit ", a Judge of a District Court, or a Chairman of Quarter Sessions", insert instead "or of a District Court Judge".

(d) Section 341 (3)—

Omit ", chairman of quarter sessions,".

(e) Section 341 (3)—

Omit ", chairman, or", insert instead "or".

(12) Section 353B—

Omit "purposes", insert instead "purpose".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(13) Section 356—

5 Omit "those sections", insert instead "that section".

(14) Section 360A (2), proviso—

From paragraph (b), omit "subsection (4) of section 41 of the Justices Act, 1902–1951", insert instead "section 41 (4) of the Justices Act, 1902".

10 (15) Section 406, proviso—

From paragraph (3), omit "Police Magistrate", insert instead "magistrate".

(16) (a) Section 409—

Omit "subsection (1B) of section 41" wherever
15 occurring, insert instead "section 41 (1B)".

(b) Section 409 (1), proviso—

Omit "subparagraph (i) of paragraph (b)", insert instead "paragraph (b) (i)".

(c) Section 409 (4)—

20 Omit "Justices Acts, 1902–1954", insert instead "Justices Act, 1902".

(17) Heading after section 427—

Omit the heading.

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(18) Heading to Part XII—

5 Omit *"Juvenile offenders."*.

(19) (a) Section 440A—

Omit "section 477", insert instead "section 476".

(b) Section 440A—

Omit "—1955".

10 (20) (a) Section 440B (1)—

Omit ", or suspends the execution of a sentence in accordance with the provisions of this Act and, in either case", insert instead "in accordance with the provisions of this Act and".

15 (b) Section 440B (3)—

Omit "as amended by subsequent Acts,".

(21) Section 445—

Omit "under 'The Evidence Act, 1898,' or", insert instead "under the Evidence Act, 1898, or".

20 (22) Section 447B (5) (a)—

Omit "indictable offence", insert instead "indictable offence,".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(23) Section 451 (2)—

5 Omit ", or Police Magistrate", insert instead "or magistrate".

(24) Heading after section 452—

Omit the heading.

(25) Section 468—

10 Omit ", 466 and 467,", insert instead "and 466".

(26) Headings after section 468—

Omit the following headings :—

(D) APPEALS.

Questions reserved.

15 *Writs of error.*

General provisions as to informalities.

New trials.

(27) Section 481—

Omit "section 479", insert instead "section 476".

20 (28) Section 501 (3)—

Omit "–1951".

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT BY WAY OF STATUTE LAW REVISION—*continued.*

(29) Section 545c—

5 Omit "police or" wherever occurring.

(30) Section 554 (3)—

Omit "–1940".

(31) Section 572—

Omit "in the several Courts of Quarter Sessions", insert
10 instead "in the District Court".

(32) (a) Section 578 (1)—

Omit "or Chairman of Quarter Sessions".

(b) Section 578 (1)—

Omit ", 91B, 91C or 91D", insert instead "or 91B".

15 (c) Section 578 (1)—

Omit "or Chairman".

BY AUTHORITY
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1980
(35c)