

No. XXXII.

CLERKS OF PETTY
SESSIONS.

An Act to provide for the discharge of the duties of Clerks of Petty Sessions in Districts for which no such Officer shall be appointed and to withdraw certain special powers now possessed by Police Magistrates. [18th March, 1857.]

Preamble.

WHEREAS it is intended to appoint Police Magistrates for and to dispense with Clerks of Petty Sessions in some of the Police Districts of the Colony and it is therefore necessary to provide for the discharge of the duties now by law required to be performed by Clerks of Petty Sessions in such districts And whereas it is considered expedient to withdraw from Police Magistrates the special powers now given to them by the Act of Council fourteenth Victoria number forty-three adopting and applying certain Imperial Acts for facilitating the performance of the duties of Justices of the Peace Be it therefore 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:—

Duties of Clerks of Petty Sessions to be discharged by Police Magistrate except such as may be delegated by the Justices in Session to the Chief or a District Constable.

1. In any Police District for which a Clerk of Petty Sessions shall not be appointed it shall be competent to the Police Magistrate (if any) appointed for such district to discharge all or any of the duties which now do or may hereafter pertain to the office of Clerk of Petty Sessions and all acts done by such Magistrate in pursuance hereof shall be as valid and effectual in the law as if done by such Clerk and all notices required to be given to such Clerk and all other matters and things required to be done with or in reference to such Clerk may be given to or done with or in reference to such Magistrate and shall have the like force and effect Provided that it shall be lawful for the Justices in Petty Sessions assembled within the district to require such of the said duties acts matters and things as they shall think convenient to be done by with or in reference to the Chief or any District Constable of the district and thereupon such acts matters and things shall be as valid and effectual as if done by with or in reference to a Clerk of Petty Sessions duly appointed as such.

Repealing sec. 6 of 14 Vic. No. 43 and withdrawing special powers heretofore given to Police Magistrates.

2. The sixth section of the Act of Council fourteenth Victoria number forty-three is hereby repealed and from and after the passing of this Act such parts of the Acts of the Imperial Parliament passed for facilitating the performance of the duties of Justices of the Peace by the said Act of Council adopted and applied as give certain special powers to Police and Stipendiary Magistrates shall cease to apply to Police Magistrates within this Colony excepting in districts or places in which it shall appear to the Governor and Executive Council specially convenient to the public that such powers should be exercised in which cases any such Police Magistrate may by order of the Governor in Council be authorized to exercise such powers either permanently or temporarily as the case may require.