

## No. XVIII.

An Act to amend the Eighth Section and the  
Four hundred and forty-sixth and Four  
hundred and forty-ninth Sections of the  
“Criminal Law Amendment Act of 1883.”  
[22nd May, 1884.]

CRIMINAL LAW  
AMENDMENT.

**W**HEREAS by the eighth section of the Act passed to consolidate Preamble.  
and amend in certain respects the Criminal Law provision was  
made for reducing penal servitude sentences in certain cases from  
their prescribed fixed terms to minimum terms of penal servitude or in  
certain other cases to minimum terms of imprisonment And whereas  
by the four hundred and forty-sixth section (extended by the four  
hundred and forty-ninth section) of the said Act any wanton or  
unprovoked assault is made punishable as therein mentioned only  
when the same is committed in company with another person and the  
said sections require amendment in those respects 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 :—

1. Where by any section of the said Act an offender is made In certain cases a less  
punishment may be  
awarded than now  
allowed.  
liable to penal servitude for life or any other fixed term and the Judge  
shall in open Court declare in any case that in his opinion having  
regard to all the circumstances a less term of punishment than the  
minimum limited by the said eighth section ought to be awarded  
whether of servitude or imprisonment as the case may be it shall be  
lawful for such Judge to pass sentence for a less term.

2. Nothing in this Act shall authorize a sentence to penal Powers as to solitary  
confinement whip-  
ing &c., retained.  
servitude for any less term than three years or in respect of sentences  
to imprisonment shall prevent the awarding of hard labour or solitary  
confinement or whipping where at present by law authorized or directing  
the offender to enter into recognizances to keep the peace and for good  
behaviour.

3. The words “ in company with any other person ” in that Whipping for assault  
by one person.  
portion of section four hundred and forty-six of the Act aforesaid  
which indicates an offence by the italic letter (*a*) are hereby repealed  
Provided that such repeal shall not affect any offence committed  
before the passing of this Act.

4. This Act may be cited as the “ Criminal Law Amendment Short title.  
Act of 1884.”