

1993—No. 628

**JUSTICES (AMENDMENT) ACT 1993 No. 45—
PROCLAMATION**

NEW SOUTH WALES



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(L.S.) P. R. SINCLAIR, Governor.

I, Rear Admiral PETER ROSS SINCLAIR, A.C., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of section 2 of the Justices (Amendment) Act 1993, do, by this my Proclamation, appoint 3 January 1994 as the day on which the uncommenced provisions of that Act commence.

Signed and sealed at Sydney, this 22 day of December 1993.

By His Excellency's Command,

J. P. HANNAFORD, M.L.C.,
Attorney General and Minister for Justice.

GOD SAVE THE QUEEN!

EXPLANATORY NOTE

The object of this Proclamation is to commence the amendments to the Justices Act 1902 relating to parties who appeal to the District Court, but fail to appear at their appeal. These are the only uncommenced amendments contained in the Justices (Amendment) Act 1993 (the amendments made by Schedule 1 (5)–(10) to the Act).

Briefly, the amendments:

- (a) make it possible for an appeal to proceed despite an error in, or non-service of, a notice to an appellant of the hearing time and place if the Court is satisfied that each party knows the time and place and is not prejudiced by the error or absence of notice;

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- (b) require an appellant who seeks a stay of a conviction or order appealed against and who is not in custody to give notice of a change of address;
- (c) requires notice to be given to an appellant if an appeal is dismissed because of the appellant's failure to appear;
- (d) make it possible to "vacate" (i.e. cancel) such a dismissal up to 12 months after the dismissal.

An applicant for leave to appeal is treated similarly to an appellant in relation to the above matters.
