

## No. XVII.

METROPOLITAN  
MAGISTRATES.  
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An Act to authorize the appointment of Stipendiary Magistrates within the Metropolitan Police District and to define in certain respects the powers of Magistrates within the said District. [19th December, 1881.]

Preamble.

WHEREAS it is expedient to authorize the appointment of Stipendiary Magistrates within the Metropolitan Police District and to define the jurisdiction and declare the powers of Magistrates within the said District 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:—

Short title.

1. This Act may be cited as the "Metropolitan Magistrates Act 1881."

2.

*Metropolitan Magistrates.*

2. It shall be lawful for the Governor with the advice of the Executive Council to appoint not more than six persons as Stipendiary Magistrates for the purposes of this Act.

Governor may appoint Stipendiary Magistrates.

3. Every such Magistrate shall be a Justice of the Peace for New South Wales and shall take the like oath of office as is now required of Justices of the Peace and within the boundaries of the Metropolitan Police District for the time being shall have power to do alone any act and to exercise alone any jurisdiction which under any law now in force or under any law not containing an express enactment to the contrary hereafter to be made may be done or exercised by any Police Magistrate Justice or Justices of the Peace howsoever sitting adjudicating or acting. And all the provisions of any Act of Parliament auxiliary to the jurisdiction of such Justice or Justices shall be applicable also to the jurisdiction of such Magistrate.

Jurisdiction and authority of Stipendiary Justices.

4. The authority and jurisdiction given to a Stipendiary Magistrate by the last preceding section shall extend and apply as well to cases where the act or jurisdiction is or hereafter may be expressly required to be done or exercised by Justices sitting or acting in Petty Sessions within the said district as to cases where the act or jurisdiction is not so required to be done or exercised. And any enactment authorizing or requiring persons to be summoned or to appear at such Petty Sessions shall in the like cases authorize or require persons to be summoned or to appear before the Stipendiary Magistrate having jurisdiction at the Court or place appointed for his sitting.

Foregoing section to extend to other acts as well as those required to be done at Petty Sessions.

5. The Governor with the advice aforesaid may by notification in the *Gazette* appoint the places where Stipendiary Magistrates to be appointed under this Act shall hold Courts or sit in the exercise of the jurisdiction conferred by this Act and may by a like notification assign and apportion their duties to all such Magistrates and define the area within which any ordinary or special jurisdiction shall or may be exercised by them.

Apportionment of duties &c. by Governor.

6. After the thirty-first day of January one thousand eight hundred and eighty-two no Justices of the Peace other than a Stipendiary Magistrate or the Mayor of Sydney shall within the boundaries of the Metropolitan Police District sit either alone or with other Justices at any Petty or other Sessions of the Peace for the purpose of adjudicating in a summary way in respect of any complaint information or matter or of making any order or of deciding any matter on appeal which by law Justices are now empowered to hear and determine deal with or decide. But nothing in this Act contained shall abridge or prejudice the ministerial powers of Justices in committal cases or the power of Justices to take any information or issue any summons or grant issue or indorse any warrant or admit to bail in any case in which Justices might by law before the passing of this Act have exercised any such power.

Limitation of powers of certain Justices within Metropolitan District.

7. The provisions and requirements of every Statute Regulation General Rule or Order of any Court by which any liability duty obligation or authority in respect of any case stated depositions conviction order warrant or other document instrument matter or proceeding of what kind soever is now or may hereafter be cast upon incurred or exercisable by any one or more Justices sitting or acting within the Metropolitan Police District shall be equally applicable to every Stipendiary Magistrate appointed under this Act.

Duties &c. of Stipendiary Magistrates as to cases depositions documents &c.

8. Every Stipendiary Magistrate while sitting in the exercise of his jurisdiction under this or any other Act shall except in cases where he is acting ministerially be deemed to be a Court of Petty Sessions with all powers and authorities incident by law to such a Court. And subject to the approval of the Governor with the advice aforesaid the Magistrates appointed under this Act shall as soon as practicable after the

Magistrates to constitute Courts of Petty Sessions Power to frame rules &c.

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*Cattle Sale-yards Additional Loan.*

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the passing thereof and may thereafter from time to time subject to the like approval frame General Rules of Court for the regulation of the practice procedure and all matters of detail to be observed and carried out in their respective Courts And provision may be made in such Rules or any one of them for their or its enforcement by the infliction of a fine not exceeding in any case twenty pounds or by imprisonment of the offender or defaulter not exceeding fourteen days or by fine and imprisonment within the said limits.

Application of  
various protective  
and enabling Acts  
to Stipendiary  
Magistrates.

9. The provisions of the Act of the Imperial Legislature eleventh and twelfth Victoria chapter forty-four (as adopted by the Act fourteenth Victoria number forty-three) for the protection of Justices of the Peace from vexatious actions for acts done by them in execution of their office—of the “Justices Act of 1850”—of the “Justices Act Amendment Act of 1853” and of the “Justices Enabling Act of 1872” and of all other Acts relating to Justices of the Peace and their duties so far as the same may be applicable shall be applicable to Stipendiary Magistrates appointed under this Act.

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