

## No. XVIII.

NEWCASTLE  
MAGISTRATES.

An Act to authorise the appointment of Stipendiary Magistrates and their deputies to have jurisdiction within the Police District of Newcastle, and within such districts as the Governor may direct and within the districts to which the Governor may extend this Act; to define the jurisdiction, powers, and duties of the said Magistrates and deputies, and to limit the jurisdiction of other justices within those districts; and for other purposes in connection therewith. [10th October, 1896.]

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:—

Appointment of  
Stipendiary  
Magistrates for  
Newcastle and  
adjoining police  
districts.

1. This Act shall apply to the Police District of Newcastle, and shall, on proclamation being made by the Governor in the *Gazette*, extend to such adjoining police districts as he may name in the proclamation: Provided that the Governor may by proclamation revoke or vary any proclamation made under this section.

The Governor may appoint not more than three persons as Stipendiary Magistrates, to have jurisdiction within the Police District of Newcastle and such adjoining police districts as may have been or may be proclaimed as aforesaid.

Extension of Act to  
other police districts.

2. The Governor, by proclamation in the *Gazette*, may extend this Act to any police districts therein named, and revoke and vary any proclamation made as aforesaid; and he may appoint not more than two persons as Stipendiary Magistrates, to have jurisdiction, as hereinafter mentioned, within each of those police districts.

Jurisdiction and  
powers of  
Stipendiary  
Magistrates.

3. The jurisdiction, powers, and duties of Stipendiary Magistrates appointed under this Act shall, within their respective districts, be the same as those given to and imposed on Stipendiary Magistrates within the Metropolitan Police District by the Metropolitan Magistrates Act,

*Newcastle Magistrates.*

Act, 1881, so far as the said Act, *mutatis mutandis*, applies. And for carrying out the abovementioned purpose the said Act shall, subject to the provisions herein mentioned, and with the exception of sections one, two, and six, be construed as one with this Act. And in so construing the said Act the expressions "Metropolitan Police District" and "the said district" in the said Act shall for the purposes of this Act also apply to the Police District of Newcastle and such adjoining districts as the Governor may direct as aforesaid, and any district to which this Act may be extended: Provided that the Act fifty-fifth Victoria number nineteen shall extend to the jurisdiction of Stipendiary Magistrates appointed under this Act.

4. If a Stipendiary Magistrate, appointed under this Act, be unable to attend to his duties by reason of absence or illness, the Governor may appoint a deputy to act for the said Magistrate during his absence or illness as aforesaid; and the person so appointed shall, while acting as such deputy as aforesaid within the district to which the Magistrate was appointed, have the same jurisdiction and powers and shall perform the same duties as if he had been appointed a Stipendiary Magistrate under this Act.

Governor may  
appoint a Deputy  
Stipendiary  
Magistrate.

5. On and after the expiration of sixty days from the day on which this Act takes effect, in the case of the Police District of Newcastle, and in the case of any other police district, on and after the expiration of thirty days from the day on which the provisions of this Act apply to that district, and until the said provisions cease to apply as aforesaid, no justices other than the Stipendiary Magistrates or Deputy Stipendiary Magistrates having jurisdiction within the said district shall, within the boundaries of the said district, save as hereinafter provided, sit either alone or with other justices 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, and decide:

Limitation of powers  
of justices within  
the said districts.

Provided that 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 endorse any warrant, or admit to bail in any case in which justices might by law have exercised any such power as aforesaid if this Act had not passed.

6. On and after the expiration of sixty days from the day on which this Act takes effect in the case of the Police District of Newcastle, and in the case of any other police district on and after the expiration of thirty days from the day on which the provisions of this Act apply to that district, and until the said provisions cease to apply as aforesaid, the jurisdiction under the Licensing Acts, 1882-1883, of any Licensing Court or Licensing Magistrate constituted or appointed under those Acts shall cease and determine in any such district.

Stipendiary  
Magistrates to  
constitute Licensing  
Court.

Thereupon a Licensing Court for a licensing district within which or some part of which a Stipendiary Magistrate has jurisdiction as aforesaid shall be composed of three members, being the Stipendiary Magistrate or Magistrates aforesaid as official members and such other persons or person as the Governor may appoint. Where one or more Stipendiary Magistrates are present at any meeting of a Licensing Court aforesaid, the Stipendiary Magistrate, or the senior Stipendiary Magistrate as the case may be, shall preside as chairman thereof, and where no Stipendiary Magistrates are present at any such meeting the other members of the Court present shall elect one of their number to act as chairman at and for such meeting. Every Stipendiary Magistrate aforesaid shall within such Licensing District exercise the powers vested in and perform the duties cast on a Licensing Magistrate

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*Supreme Court Fees.*

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by the Licensing Acts, 1882-1883, and the provisions of those Acts, and of any enactments amending the same, shall, except as modified by this Act, apply to any Licensing District, Court, and Magistrate aforesaid.

**Definitions.**

7. In this Act "the Governor" means the Governor with the advice of the Executive Council; "Justices" means justices of the peace; and references to police districts shall be taken to refer to the police districts notified in the *Gazette* by the Minister of Justice under this Act or under any other authority possessed by him in that behalf.

**Commencement and short title.**

8. This Act shall take effect on and after the first day of November, one thousand eight hundred and ninety-six, and may be cited as the "Newcastle Magistrates Act, 1896."

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