

## Act No. 16, 1901.

FINES AND  
PENALTIES.

## An Act to consolidate the Acts relating to the recovery appropriation and remission of fines and penalties. [4th October, 1901.]

**B**E it enacted by the King'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:—

*Repeal and interpretation.*

Short title.

1. This Act may be cited as the "Fines and Penalties Act, 1901."

Repeal.

2. The Acts mentioned in the Schedule to this Act are to the extent therein expressed hereby repealed.

Interpretation.

3. In this Act unless the context or subject-matter otherwise indicates or requires—

"Justice" means justice of the peace.

*Recovery.*Who may in general  
sue for fines.  
16 Vic. No. 1, s. 16.

4. Any fine penalty or forfeiture imposed or authorised to be imposed by any Act may be sued and proceeded for by any person whomsoever unless by the Act imposing the same such right to sue or proceed is expressly given to any officer or person by name or designation.

*Appropriation.*Appropriation of  
fines when Act  
silent.  
*Ibid.* s. 15.

5. Whenever any fine penalty or forfeiture is imposed or authorised to be imposed by any Act such Act shall be taken to provide that the same when recovered shall be paid one moiety to His Majesty his Heirs and Successors for the public uses of this State and in support of the Government thereof to be applied in such manner as may from time to time be directed by any Act and that the other moiety shall be paid to the informer or other person prosecuting or suing for the same unless the Act imposing the fine penalty or forfeiture otherwise directs.

Power to lessen share  
of informers.  
19 Vic. No. 24, s. 7.

6. Where by any Act a moiety or other fixed portion of any fine or penalty imposed thereby under the authority of any Justice is directed to be paid to the informer not being a party aggrieved the convicting Justice may adjudge that no part or such part only of the fine or penalty as he thinks fit shall be paid to the informer.

7.

*Fines and Penalties.*

7. Whenever any law or statute which was at the time of the passing of the Act 9 George IV c. 83 in force within the realm of England and which is applicable to New South Wales in other respects than the appropriation of fines penalties and forfeitures thereby imposed or which is adopted in the said State directs the appropriation of any fine penalty forfeiture or sum of money or part thereof for the use or on behalf of the poor of any parish township or place or for the use of the general rates of any county riding or division or to any person or for any purposes inapplicable to the circumstances of the said State the said law or statute shall not on that ground only be deemed inapplicable to the said State and the Justice Judge or Court imposing the fine penalty or forfeiture may at his or their discretion direct payment to be made to the treasurer or other authorised officer of any benevolent or charitable institution established or to be established in any district in the State for the relief of such poor persons as through age accident or infirmity are unable to support themselves or if there is in any district no such institution towards the support of the Benevolent Asylum in Sydney.

Appropriation of fines imposed under Imperial Acts in force in the State.

2 Vic. No. 23, s. 1.

11 Vic. No. 29, s. 1.

*Remission.*

8. (1) The Governor may remit in whole or in part any penalty fine or forfeiture imposed on a convicted offender under any Act now or hereafter in force and may extend the Royal Mercy to any person imprisoned for non-payment thereof although such penalty fine or forfeiture may be in whole or in part payable to some party other than the Crown.

Governor may remit penalties.

33 Vic. No. 13, s. 1.

(2) The powers given by this section shall extend to all penalties fines and forfeitures imposed under any of the Acts referred to in the seventh section of this Act and shall also extend to any penalty fine or forfeiture imposed or recovered for any offence under the Act of the twenty-first year of the reign of King George the Third chapter forty-nine whether the same is imposed or recovered on indictment information or summary conviction or by action or any other process.

Application of section to certain Acts.

11 Vic. No. 29, s. 2.

54 Vic. No. 8, s. 2.

## Act No. 17, 1901.

*Deserted Wives and Children.*

## SCHEDULE.

Reference to Act.	Title or short title.	Extent of repeal.
6 Geo. IV, No. 19	An Ordinance for the more effectual recovery of Fines and Penalties imposed by divers Acts of Council and for other purposes.	The whole Ordinance.
2 Vic. No. 23 ...	An Act for the more effectual appropriation of Fines and Penalties in certain cases in the Colony of New South Wales.	The whole Act.
11 Vic. No. 29 ...	An Act to amend an Act intituled "An Act for the more effectual appropriation of Fines and Penalties in certain cases in the Colony of New South Wales."	The whole Act.
16 Vic. No. 1 ...	An Act for shortening Acts of the Legislative Council.	Sections 15 and 16.
19 Vic. No. 24 ...	An Act to make further Police Regulations for the City Port and Hamlets of Sydney and other Towns and Places in the Colony of New South Wales.	Section 7.
33 Vic. No. 13 ...	An Act to amend the Law concerning the Remission of Penalties.	The whole Act.
54 Vic. No. 8 ...	The "Remission of Penalties Act 1890" ...	The whole Act.