

UNAUTHORISED DOCUMENTS (AMENDMENT) ACT.

Act No. 38, 1941.

George VI. **No. 38, 1941.** An Act to make further provisions to prevent the misleading use of forms resembling court process; to amend the Unauthorised Documents Act, 1922; and for purposes connected therewith. [Assented to, 24th September, 1941.]

BE 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:—

Short title. **1.** (1) This Act may be cited as the "Unauthorised Documents (Amendment) Act, 1941."

(2) The Unauthorised Documents Act, 1922, as amended by this Act, may be cited as the Unauthorised Documents Act, 1922-1941.

Amendment of Act No. 6, 1922.

Subst. s. 4 & new ss. 5 & 6.

Sending or delivering false process.

cf. Vict. Act, 1923, No. 3794, s. 4.

2. The Unauthorised Documents Act, 1922, is amended by omitting section four and by inserting in lieu thereof the following sections:—

4. (1) Every person who sends or delivers to or serves on or causes to be sent or delivered to or served on any other person any paper or writing which is not an original or a copy of a document published or issued out of or by or under the authority or with the sanction of any tribunal, but which in the opinion

opinion of the court in which or the judge before whom any proceedings under this section are brought is likely or intended to convey to such other person the impression that such paper or writing is an original or a copy of a document published or issued out of or by or under the authority or with the sanction of any tribunal shall be guilty of an offence and every person who prints publishes or sells or offers or exhibits for sale or causes to be printed published or sold or offered or exhibited for sale any paper or writing which is not an original or a copy of a document published or issued as aforesaid, but which in the opinion of the court in which or the judge before whom any proceedings under this section are brought is likely or intended to convey to any person whomsoever the impression that such paper or writing is such an original or copy shall be guilty of an offence.

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(2) Every person guilty of an offence under this section—

- (a) shall be deemed guilty of a contempt of the Supreme Court and may be punished accordingly by such Court or a judge thereof in chambers upon the application of any person complaining thereof; or
- (b) shall be liable to a penalty of not more than fifty pounds.

Nature of offence under this section and penalties.

(3) In any proceedings under this section if any person is named on any such paper or writing in such a way as to imply that he is the printer publisher seller or sender of the same such person shall prima facie be deemed to be the person who printed published sold or sent such paper or writing.

Evidence of publication, etc.

(4) In this section unless inconsistent with the context or subject-matter—

Interpretation.

“Document” includes any notice claim demand or process or any document relating to any extra-judicial remedy and whether in existence or not.

“Tribunal” includes any court judge magistrate justice or public officer whether in or out of New South Wales and whether in existence or not.

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Penalties,
etc., in case
of bodies
corporate.
cf. Viet.
Act, 1928,
No. 3794,
s. 5.

5. Without affecting any other liability of any person under this Act or otherwise, a company or other body corporate shall be liable to any penalty or punishment for any offence under this Act as if it were a private person so far as such penalty or punishment is enforceable against a company or body corporate; and every director manager secretary or officer of any such company and every member of the managing body of any such body corporate who commits or knowingly authorises or permits an offence under this Act shall also be liable to the penalty or punishment for that offence.

Other
proceedings
not affected.
Ibid. s. 8.

6. Nothing in this Act shall be held to affect any other proceeding civil or criminal which might have been taken against any person if this Act had not passed but no person shall be punished for the same offence under any such proceeding and under this Act.
