

JUSTICES (AMENDMENT) ACT.

Act No. 3, 1947.

George VI.
No. 3, 1947.

An Act to provide for the alteration of the designation of Police Magistrates; for this purpose to amend the Justices Act, 1902, the Public Service Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 26th March, 1947.]

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,
commencement
and
citation.

1. (1) This Act may be cited as the "Justices (Amendment) Act, 1947."

(2) This Act shall commence on a date to be appointed by the Governor and notified by proclamation published in the *Gazette*.

(3) The Justices Act, 1902, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

(4) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1947.

Amendment
of Act No.
27, 1902.
Sec. 4 (2).
(Summary
jurisdiction.)
Sec. 7 (1).
(Stipendiary
Magistrates
—appoint-
ment.)

2. (1) The Principal Act is amended—

(a) by omitting from subsection two of section four the words "or Police";

(b) by omitting subsection one of section seven and by inserting in lieu thereof the following subsection:—

(1) The Governor may appoint as Stipendiary Magistrates such persons as may be necessary to have jurisdiction within the State of New South Wales;

(c)

- (c) (i) by omitting from subsection one of section 7A the words "to have jurisdiction within the metropolitan police district"; No. 3, 1947.
Sec. 7A.
(Stipendiary Magistrates—appointment.)
- (ii) by omitting from subsection two of the same section the words "having jurisdiction within the metropolitan police district";
- (iii) by omitting subsection three of the same section;
- (iv) by omitting from subsection four of the same section the words "paragraph one or paragraph three" and by inserting in lieu thereof the words "subsection one";
- (d) by omitting section eight; Sec. 8.
(Repeal.)
- (e) by omitting subsection one of section ten and by inserting in lieu thereof the following subsection:— Sec. 10 (1).
(Consequential.)
- (1) Every such Stipendiary Magistrate may do alone any act and exercise alone any power or jurisdiction which—
- (a) under any law in force at the commencement of the Justices (Amendment) Act, 1947, may be done or exercised by any Police Magistrate, Justice or Justices, howsoever sitting and adjudicating or acting; or
- (b) under any law not containing an express enactment to the contrary made after such commencement may be done or exercised by any Justice or Justices howsoever sitting and adjudicating or acting.
- And all the provisions of this or any other Act auxiliary to the jurisdiction of such Justice or Justices shall be applicable also to the jurisdiction of such Stipendiary Magistrate;
- (f) by omitting from section eleven the words "sitting or acting within the district to which he has been appointed under this Act"; Sec. 11.
(Consequential.)

(g)

No. 3, 1947.

Sec. 13.
(Powers of
Justices
limited in
certain
areas.)

(g) (i) by omitting paragraph (b) of section thirteen and by inserting in lieu thereof the following paragraph:—

(b) within any police district or part thereof named or described by the Governor from time to time by proclamation published in the Gazette;

(ii) by inserting at the end of the same section the following new subsection:—

(2) Any proclamation made pursuant to paragraph (b) of subsection one of this section may be revoked by a subsequent proclamation published in the Gazette. Any proclamation so revoked shall cease to have effect.

Sec. 17.
(Repeal.)

(h) by omitting section seventeen and the short heading thereto;

Sec. 18.
(Conse-
quential.)

(i) by omitting from section eighteen the words “the Police Magistrate (if any) appointed for such district” and by inserting in lieu thereof the words “a Stipendiary Magistrate”;

Sec. 84.
(Conse-
quential.)

(j) by omitting from subsection two of section eighty-four the word “Police”;

Sec. 152.
(Conse-
quential.)

(k) by omitting from section one hundred and fifty-two the words “or Police” wherever occurring;

Sec. 1.
(Conse-
quential.)

(l) by omitting from the matter relating to Part III in section one the words “Powers of Police Magistrates and”;

Part III—
Heading.
(Conse-
quential.)

(m) by omitting from the heading to Part III the words “Powers of Police Magistrates and.”

(2) Every proclamation which was made before the commencement of this Act by the Governor under section eight of the Principal Act and which is in force at the commencement of this Act shall, for the purposes of subsection one of section thirteen of the Principal Act, as amended by this Act, be deemed to be a proclamation made under paragraph (b) of that subsection.

(3) Every person holding office as a Police Magistrate or as a Stipendiary Magistrate at the commencement

commencement of this Act shall, as from the commencement of this Act, be deemed to have been appointed a Stipendiary Magistrate pursuant to subsection one of section seven of the Principal Act as amended by this Act, and to have jurisdiction within the State of New South Wales. No. 3, 1947.

(4) Any power, authority, duty or function whatever exercisable by a Police Magistrate by or under any Act in force at the commencement of this Act shall be exercisable by a Stipendiary Magistrate.

(5) A reference in any Act regulation rule by-law order notification proclamation or instrument to a Police Magistrate shall be construed as a reference to a Stipendiary Magistrate.

3. The Public Service Act, 1902, as amended by subsequent Acts, is amended—

- (a) by omitting from section thirty-seven the word "Police" and by inserting in lieu thereof the word "Stipendiary";
- (b) by omitting from section thirty-eight the word "Police" and by inserting in lieu thereof the word "Stipendiary."

Amendment
of Act
No. 31,
1902.
Secs. 37, 38.
(Conse-
quential.)