

JUSTICES (AMENDMENT) ACT.

Act No. 25, 1958.

Elizabeth II, An Act to make further provision in relation to persons who plead guilty in committal proceedings; for this purpose to amend the Justices Act, 1902, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1957, and certain other Acts, in certain respects; and for purposes connected therewith. [Assented to, 31st October, 1958.]

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:—

Short title and citation. 1. (1) This Act may be cited as the "Justices (Amendment) Act, 1958".

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1958.

Amendment of Act No. 27, 1902. Sec. 51A. 2. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended by inserting at the end of section 51A the following new subsection:—

(Effect of plea of guilty in committal proceedings.)

(7) A person sentenced or otherwise dealt with under subparagraph (ii) of paragraph (d) of subsection one of this section for an offence to which he pleaded guilty pursuant to that subsection shall, for the purposes of any Act passed either before or after the commencement of section two of the Justices (Amendment) Act, 1958, be deemed to be convicted on indictment of the offence.

(2) This section shall be deemed to have commenced on the fourteenth day of April, one thousand nine hundred and fifty-five.

3.

3. (1) The Criminal Appeal Act of 1912, as amended by subsequent Acts, is amended by inserting next after section eight the following new section :—

No. 25, 1958.

Amendment of Act No. 16, 1912.

New sec. 8A.

Power of court to order committal proceedings to be continued in certain cases.

8A. (1) Where a person deemed to be convicted on indictment under subsection seven of section 51A of the Justices Act, 1902, as amended by subsequent Acts, appeals to the court against the conviction, the court may, either of its own motion, or on the application of the appellant, order that the proceedings before the justice or justices at which the appellant pleaded guilty be continued at a time and place to be specified in the order, if the court considers that a miscarriage of justice has occurred, and, that having regard to all the circumstances, the miscarriage of justice can be more adequately remedied by an order that those proceedings be so continued than by any other order which the court is empowered to make.

(2) Where an order is made under subsection one of this section, the proceedings before the justice or justices shall be continued in all respects as if the appellant had not pleaded guilty and as if those proceedings had been adjourned by the justice or justices to the time and place specified in the order.

cf. Act No. 27, 1902, s. 51A (3).

Upon the making of the order, the court may exercise any power that the justice or justices might have exercised under section thirty-four of the Justices Act, 1902, as amended by subsequent Acts, if the order had been an order made by the justice or justices adjourning the proceedings to the time and place so specified; and the provisions of the said section thirty-four apply to and in respect of the appellant.

(3) The powers conferred on the court by this section are in addition to any other power conferred on the court by this Act.

(2) The amendment made by subsection one of this section applies to appeals to the Court of Criminal Appeal pending at the commencement of this section as well as to appeals to that Court instituted after that commencement.

Crown Lands (Permissive Occupancies) Amendment Act.

No. 25, 1958. **4.** (1) The Habitual Criminals Act, 1957, is amended by omitting subsection two of section three.

Amendment
of Act No.
19, 1957.

Sec. 3. (2) This section shall be deemed to have commenced on the first day of June, one thousand nine hundred and fifty-seven.
(Interpre-
tation.)
