

JUSTICES (AMENDMENT) ACT.

New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 3, 1971.

An Act relating to the sealing of summonses and warrants; to alter the basis of calculation of certain periods of imprisonment; for these purposes to amend the Justices Act, 1902, the Prisons Act, 1952, and the Maintenance Act, 1964; and for purposes connected therewith. [Assented to, 12th May, 1971.]

BE

Justices (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 3, 1971**
 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 :—

1. (1) This Act may be cited as the "Justices (Amend- **Short title**
 ment) Act, 1971". **and com-**
men-

(2) This Act, this section and section two excepted,
 shall commence upon a day to be appointed by the Governor
 and notified by proclamation published in the Gazette.

2. The Justices Act, 1902, is amended by inserting next **Amendment**
 after section one hundred and forty-seven the following new **of Act No.**
 section :— **27, 1902.**
New sec.
147A.

147A. Where a summons or warrant signed before or **Sufficiency**
 after the commencement of section two of the Justices **of seal**
 (Amendment) Act, 1971, by a Stipendiary Magistrate **printed on**
 or by a Justice or by Justices bears a printed representa- **summons or**
 tion of a seal, a seal so represented shall, for the purposes **warrant.**
 of this or any other Act requiring a summons or warrant
 to be sealed, be deemed to have been affixed to the
 warrant or summons—

(a) where it is signed by two Justices, by each of
 them; or

(b) in any other case, by the Stipendiary Magistrate
 or Justice who signed it.

3.

Justices (Amendment).

No. 3, 1971

Further
amendment
of Act No.
27, 1902.Sec. 82.
(Imprison-
ment to be
alternative
of non-
payment,
etc., and to
be adjudged
in all cases
in the same
conviction
or order.)

3. The Justices Act, 1902, is further amended—

- (a) by omitting from subsection two of section eighty-two the words “two dollars” wherever occurring and by inserting in lieu thereof the words “five dollars”;
- (b) by omitting from the same subsection the words “four dollars” wherever occurring and by inserting in lieu thereof the words “ten dollars”.

Amendment
of Act No.
9, 1952.Sec. 21.
(Release
of main-
tenance
confinées.)

4. The Prisons Act, 1952, is amended—

- (a) by omitting subsection three of section twenty-one and by inserting in lieu thereof the following subsections :—

(3) Where—

- (a) a release was, before the commencement of section five of the Justices (Amendment) Act, 1971, rescinded or revoked pursuant to subsection two of this section and the person released had not, at that commencement, been returned to prison pursuant to the subsection that this subsection replaces; or

- (b) a release is so rescinded or revoked after that commencement,

the person released may be taken by any member of the Police Force and, subject to subsection four of this section, returned to prison subject to the same conditions as those upon which he had been detained in prison before his release.

(4)

Justices (Amendment).

(4) The period for which a person returned to prison under subsection three of this section may be there detained after his return is a period not exceeding—

- (a) a period calculated at the rate of one day for every five dollars or part thereof of the prescribed amount of money for that person; or
- (b) a period that, together with the period for which that person was detained in prison before his release under subsection one of this section totals twelve months,

whichever is the shorter period.

(5) A reference in paragraph (a) of subsection four of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was originally committed to prison the sum of—

- (a) any payment made before or after the return of that person to prison in reduction of the amount for the non-payment of which that person was originally committed to prison;
- (b) two dollars for any day during which, before the commencement of section five of the Justices (Amendment) Act, 1971, that person was detained in prison by virtue of that non-payment; and
- (c) five dollars for any day during which that person was so detained after that commencement and before his release under subsection one of this section.

*Justices (Amendment).***No. 3, 1971**

Amendment
of Act No.
74, 1964.

Sec. 42.
(imprison-
ment of
defendant
for disobedi-
ence of
order for
payment
of moneys.)

Transi-
tional.

5. The Maintenance Act, 1964, is amended by omitting from subsection one of section forty-two the words "two dollars" and by inserting in lieu thereof the words "five dollars".

6. (1) Where, by warrant issued under section eighty-seven, or under subsection two of section eighty-eight of the Justices Act, 1902, before the commencement of section three of this Act, a Justice committed a person to prison or where, before that commencement, a court ordered under subsection one of section forty-two of the Maintenance Act, 1964, that a person be so committed—

(a) that person, if he was at that commencement being detained in prison pursuant to the warrant or order may be so detained after that commencement only for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(ii) a period that, together with the period for which that person was detained in prison before that commencement pursuant to the warrant, totals twelve months,

whichever is the shorter period; or

(b) that person, if he was not at that commencement being so detained, may be so detained for a period not exceeding—

(i) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or

(ii) twelve months,

whichever is the shorter period.

(2)

Justices (Amendment).

(2) A reference in subparagraph (i) of paragraph (a) or (b) of subsection one of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison—

- (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) in the case of a person referred to in paragraph (a) of that subsection, two dollars for any day during which, before the commencement of section three of this Act, that person was detained in prison by virtue of that non-payment.

7. Where, for the purposes of a conviction or order made before the commencement of section three of this Act a warrant committing a person to prison issues under section eighty-seven, or under subsection two of section eighty-eight, of the Justices Act, 1902, after that commencement or where for the purposes of an order made under subsection one of section forty-two of the Maintenance Act, 1964, before the commencement of section five of this Act, a warrant committing a person to prison issues after that commencement, the Justice who issues, or orders the issue of, the warrant shall, by the warrant, revoke the term of imprisonment fixed by the conviction or order and order the person so committed to be imprisoned in lieu thereof for a period calculated as if the conviction or order had been made immediately before the issue of the warrant. ^{Transitional.}

8. (1) Where a person is, at the commencement of section four of this Act, detained in prison pursuant to subsection three of section twenty-one of the Prisons Act, 1952, as enacted before that commencement he may, notwithstanding the repeal of that subsection but subject to subsection two of this section, be detained in prison after that commencement subject to the same conditions as those upon which he had been detained in prison before that commencement. ^{Transitional.}

(2)

Justices (Amendment).

No. 3, 1971 (2) The period for which a person may be detained in prison under subsection one of this section is a period not exceeding—

- (a) a period calculated at the rate of one day for every five dollars, or part thereof, of the prescribed amount of money for that person; or
- (b) a period that, together with—
 - (i) the period for which that person was detained in prison before his release under subsection one of section twenty-one of the Prisons Act, 1952; and
 - (ii) the period for which that person was detained in prison after his return to prison pursuant to subsection three of that section and before the commencement of section five of this Act,

totals twelve months,

whichever is the shorter period.

(3) A reference in paragraph (a) of subsection two of this section to the prescribed amount of money for a person is a reference to the amount produced by deducting from the amount of money for the non-payment of which that person was committed to prison the sum of—

- (a) any payment made by way of reduction of the amount for the non-payment of which that person was so committed; and
- (b) two dollars for every day during which, before the commencement of section five of this Act, that person was detained in prison by virtue of that non-payment.

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