

No. , 1911.

A BILL

To provide for the custody of persons brought into New South Wales under warrants authorising their removal to some other possession; and for purposes consequent thereon or incidental thereto.

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:—

1. This Act may be cited as the “Colonial Prisoners Removal Act, 1911.” Short title.

2. In this Act, unless the context otherwise requires— Definitions.
“British possession” does not include New South Wales, but includes all other territories and places being part of His Majesty's Dominions.

3. When a person is brought into New South Wales in custody under a warrant duly issued in a British possession, authorising his removal to some other British possession, either for trial or for the execution of a sentence, or under an order of deportation, any officer to whom the warrant is directed for execution may detain the said person in his custody, but shall, as soon as practicable, apply to a stipendiary or police magistrate for an order under this Act.

Detention of person brought into New South Wales under warrant for removal to a British possession.

On application as aforesaid by any such officer or by any other person any such magistrate may order that the sheriff take the custody of the said person and convey him to a prison, and detain him therein until a reasonable time before the time for his removal to the British possession in pursuance of the warrant, and then remit him to the custody of the said officer, or any other officer duly authorised by the warrant; or such magistrate may order the said person to be released from custody on giving security, with sufficient sureties, to surrender himself on or before a date to be named into the custody of any such officer.

4. (1) If any person lawfully in the custody of an officer in pursuance of this Act escapes or attempts to escape from such custody he shall be guilty of a misdemeanour, and shall be liable to imprisonment for a period not exceeding *two* years.

Escape from custody.

(2) Whosoever by any means aids and assists any such person to escape from such custody shall be liable to imprisonment for a period not exceeding *five* years.

5. The Sheriff shall have the custody of any person detained in prison under this Act; and the Comptroller General of Prisons and all gaolers and other officers shall hold any such person on behalf of the Sheriff.

Custody of prisoner by Sheriff.

6. Any warrant purporting to have been issued under the authority of an Order-in-Council, or of an Act of the Imperial Parliament, or of a legislative body which has power to make laws for a British possession shall, if produced by any officer to whom it is directed for execution, be received in evidence in any proceeding under this Act without further proof.

Proof of warrant.

7. The Governor may make regulations for carrying out the provisions of this Act, and in particular for regulating the custody by officers of persons brought into New South Wales under any such warrant, and may in those regulations impose any penalty not exceeding *fifty* pounds for any breach thereof.

Regulations.