

Justices (Amendment) Bill, 1935.

EXPLANATORY MEMORANDUM.

THE main object of this Bill is to make provision to authorise the imposition of a fee for the granting of bail by police or gaolers pursuant to section 153 of the Justices Act, 1902, inserted by the Justices (Bail) Amendment Act, 1918, No. 32. The amendment appearing as sub-paragraph (ii) of paragraph (a) of clause 2 of the Bill is designed to that end.

Sub-paragraph (i) of paragraph (a) is proposed so that the whole of the effective provisions of the Justices (Fees) Act, 1904, may be incorporated in the Justices Act, 1902, and appear in reprints of that Act, under the Amendments Incorporation Act, 1906.

Paragraph (b) of clause 2 of the Bill is designed to bring the regulation making provisions into the more modern and usual form.

Clause 3 of the Bill is designed to authorise the officer for the time being in charge of a police station whatever his rank to grant bail.

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1935.

A BILL

To amend the law relating to the granting of bail under the provisions of section one hundred and fifty-three of the Justices Act, 1902, and the fees in respect thereof; to amend that Act and the Justices (Fees) Act, 1904; and for purposes connected therewith.

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 "Justices (Amendment) Act, 1935." Short title.

2. The Justices (Fees) Act, 1904, is amended as follows:—

Amendment of Act No. 14, 1904.

(a) (i) by inserting at the commencement of section three the words: "The Justices Act, 1902, is amended by inserting next after section one hundred and fifty-three the following new section one hundred and fifty-four";

Sec. 3. (Regulations).

(ii) by inserting in paragraph (a) of subsection one of the same section after the words "justices of the peace" the words "or in respect of any recognizance taken in pursuance of section one hundred and fifty-three";

(b) (i) by inserting in subsection two of the same section after the word "fourteen" wherever occurring the word "sitting";

(ii) by inserting at the end of the same subsection the words: "If either House passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect."

3. The Justices Act, 1902, is amended by omitting from subsection one of section one hundred and fifty-three (which section was inserted by the Justices (Bail) Amendment Act, 1918) the words "of or above the rank of sergeant" and by inserting in lieu thereof the words "for the time being."

Amendment of Act No. 27, 1902, s. 153. (Bail).

