

PART III.—
AMENDMENT
OF "THE
REAL
PROPERTY
ACTS, 1861 TO
1887."

Justices Acts Amendment Act. 23 GEO. V. No. 8,

Provided further that the Governor in Council may by Order in Council amend such scale of fees, being the scale of fees in force at the passing of **"The Justices Acts and Real Property Fees Act of 1932,"* by amending (whether by increase or otherwise) all or any of such fees, and by the addition of further fees for such other purposes as may be prescribed, and for fixing any new basis or bases of calculation in respect of any fee or fees, existing or prospective :

Provided always that the Governor in Council may by any subsequent Order in Council reduce all or any of the fees prescribed in any Order in Council made under the provisions of this section."

PART IV.—GENERAL.

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GENERAL.
Orders in
Council and
Regulations
to be of
equal
validity as
the Act.

8. Any Order in Council made or purporting to be made under the provisions of this Act shall on publication in the *Gazette* be read as one with the particular Act concerned, and shall be judicially noticed and construed as being of equal validity with such Act and shall not be challenged in any proceedings whatsoever.

All such Orders in Council shall be laid before the Legislative Assembly within fourteen days after such publication if the Legislative Assembly is in session; or if not, then within fourteen days after the commencement of the next session thereof.

23 Geo. V.
No. 8.

**An Act to Amend "The Justices Acts, 1886 to 1929,"
in a certain particular.**

THE
JUSTICES
ACTS

[ASSENTED TO 22ND SEPTEMBER, 1932.]

AMENDMENT
ACT OF 1932.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction.

1. This Act may be cited as "*The Justices Acts Amendment Act of 1932*," and shall be read as one with † "*The Justices Acts, 1886 to 1929*," herein referred to as the Principal Act.

* 23 Geo. V. No. 7 (this Act).

† 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

1932.

Justices Acts Amendment Act.

The Principal Act and this Act may collectively be cited as "*The Justices Acts, 1886 to 1932*"

Amendment of the Principal Act.

2. Section thirty-nine of the Principal Act is Section 39. repealed and a new section thirty-nine is inserted in lieu thereof, as follows:—

"[39.] (1.) Where any property—

(a) Has come into the custody or possession of the police—

Power of Court to order delivery of certain property.

(i.) In connection with any criminal charge under *"*The Criminal Code*"; or

(ii.) In connection with any charge under †"*The Vagrants, Gaming, and Other Offences Act of 1931*"; or

(iii.) In connection with any other prosecution under the laws of the State; or

(iv.) Otherwise howsoever in the course of their duty;

or

(b) Has come into the custody or possession of a clerk of petty sessions, whether as an exhibit or otherwise, in connection with any offence punishable by the Court of Petty Sessions on summary conviction,

the Court of Petty Sessions may, on application either by an officer of police or clerk of petty sessions or by a claimant of the property, make an order for the delivery of the property to the person appearing to the Court to be the owner thereof, or if the owner cannot be ascertained make such order with respect to the property as to the Court may seem meet:

Provided that no such order shall be a bar to the right of any person to recover the property by action from the person to whom it is delivered by virtue of the order:

Provided further that such action shall be brought within six months next after the order is made.

* 63 Vic. No. 9, Sch. I., *supra*, page 344.

† 22 Geo. V. No. 27, *supra*, page 13987.

Regulations. (2.) The Governor in Council may make regulations for the disposal of property which has come into the custody or possession of the police or clerk of petty sessions under the circumstances mentioned in cases where the owner of the property has not been ascertained and no order of a competent Court has been made with respect thereto.

Without limiting the generality of such provisions, such regulations may authorise the sale of such property, and the application of the proceeds of such sale in such manner as may be prescribed."

Application of Act. 3. This Act shall extend and apply to property which has come into the custody or possession of the police or clerk of petty sessions before the passing of this Act, or which shall come into the custody or possession of the police or clerk of petty sessions on or after the passing of this Act.

Saving as to forfeiture to His Majesty. 4. Nothing in this Act shall prejudice or in any wise affect the power and authority of any Court to declare that any property shall be forfeited to His Majesty under any law where such power is imposed upon and vested in the Court by virtue of any statute, or to prejudice or in any wise affect any forfeiture to His Majesty of any property where any Act declares that upon conviction of an offender such property shall be so forfeited.