

## JUSTICES.

5 GEO. VI.  
No. 9.  
THE  
JUSTICES  
ACTS  
AMENDMENT  
ACT OF  
1941.

**An Act to Amend "The Justices Acts, 1886 to 1932,"  
in certain particulars, and for other  
purposes.**

[ASSENTED TO 20TH NOVEMBER, 1941.]

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative 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 1941*," and shall be read as one with \*"*The Justices Acts, 1886 to 1932*," herein referred to as the Principal Act.

Collective  
title.

The Principal Act and this Act may be cited collectively as "*The Justices Acts, 1886 to 1941*."

Amendment  
of s. 11 and  
new  
sidenote.

2. In section eleven of the Principal Act the words "Police Magistrate" are repealed and the words "Stipendiary Magistrate" are inserted in lieu of such repealed words.

Moreover the sidenote to the said section eleven is repealed and a sidenote "Stipendiary Magistrates" is inserted in lieu thereof.

Amendment  
of s. 18 and  
new  
sidenote.

3. In section eighteen of the Principal Act the words "Police Magistrate" are repealed where such words twice occur, and in each such case the words "Stipendiary Magistrate" are inserted in lieu of such repealed words.

Moreover in the said section eighteen and in the sidenote thereto the letters "P.M." are repealed and the letters "S.M." are inserted in lieu of such repealed letters.

Designation  
"Police  
Magistrate"  
changed to  
"Stipen-  
diary  
Magistrate."

4. (1.) Every justice of the peace appointed to be a Police Magistrate prior to, and in office as such at the passing of this Act, shall without any further or other appointment be and be deemed to be a duly appointed Stipendiary Magistrate.

1941.

*Justices Acts Amendment Act.*

(2.) Where by or in or pursuant to any provision of any Act (including any provision of the Principal Act) any jurisdiction, power, or authority is or may be conferred or any duty is or may be imposed on a Police Magistrate, or any reference is made to a Police Magistrate, such provision shall be read and construed as if a Stipendiary Magistrate were referred to therein in lieu of a Police Magistrate.

When term "Police Magistrate" to be construed as meaning "Stipendiary Magistrate."

Moreover for the purpose of giving effect to, but without limiting the generality of, this subsection, every Proclamation, Order in Council, rule of court, regulation, or by-law made or purporting to have been made under any provision of any Act (including the Principal Act) prior to and in force at the passing of this Act in which any reference to a Police Magistrate occurs shall be read and construed as referring to a Stipendiary Magistrate.

5. The following paragraph is added to section ninety-two of the Principal Act, namely:—

Amendment of s. 92.

"Upon an application in that behalf the justices may order that (in lieu of being conditioned as hereinbefore in this section prescribed) any recognizance shall as regards the principal and/or the sureties be conditioned for the appearance of the person discharged upon such recognizance at all times and places to which the hearing is adjourned from time to time, or which are named in the recognizance."

6. The following section, numbered 146A, is inserted after section one hundred and forty-six of the Principal Act, namely:—

New s. 146A.

"[146A.] Any person summoned under this Act to answer a complaint that he has failed to pay a sum of money allegedly payable by him under any Act (whether passed before or after the passing of \**"The Justices Acts Amendment Act of 1941"*) and recoverable, whether with or without the addition of a further sum by way of penalty, by complaint in a summary way under this Act, may pay to a clerk of petty sessions a sum of money in answer to such complaint together with the costs incurred by the complainant up to the time of payment.

Payment to clerk of petty sessions of money recoverable in a summary way.

Notice of the payment to a clerk of petty sessions shall be communicated by the defendant to the complainant by post or by causing it to be delivered at his usual or last known place of residence or business,

\* This Act.

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*Justices Acts Amendment Act.* 5 GEO. VI. No. 9, 1941.

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and such sum of money shall be paid to the complainant ; but if the complainant elects to proceed, and does not recover a further sum (including an additional sum, if any, by way of penalty) in the proceedings than is paid to a clerk of petty sessions, the complainant shall pay to the defendant the costs incurred by him in the proceedings after the payment, and an order shall thereupon be made by the justices for the payment of the costs by the complainant.

Where the defendant is desirous of paying money to a clerk of petty sessions it shall, together with Court fees and the solicitor's costs—

- (i.) (In the case of a summons served not less than seven clear days before the return day thereof), be paid four clear days before such return day ; or
- (ii.) (In the case of a summons served less than seven clear days before the return day thereof), be paid before such return day.

Solicitor's costs payable to a clerk of petty sessions under this section shall be according to the scale prescribed by regulations made under this Act and, in so far as not so prescribed, shall be according to the scale prescribed by the Magistrates Courts Rules, but in every case (unless the aforesaid regulations otherwise prescribe) the amount thereof shall be ten shillings and six pence unless the sum of money claimed by the complainant exceeds thirty pounds :

Provided that at any time before the return day the defendant may pay money into Court with such costs as aforesaid and give notice thereof to the plaintiff, and where money is so paid in less than four clear days before the return day in the case of a summons served not less than seven days before the return day it shall be lawful for the Court to order the defendant to pay such costs as the complainant shall have reasonably incurred in preparing for hearing before the notice of such payment was received by him."

Amendment  
of s. 210.

7. The following paragraph is added to section two hundred and ten of the Principal Act, namely :—

" Provided that if after such inquiry and consideration the Court considers that no substantial miscarriage of justice has actually occurred, it may refuse to direct the conviction or order to be quashed."