

(2.) Before reopening or holding any inquest at the request of the Commissioner of Police or of an Inspector of Police or of a person authorised in that behalf by this section a coroner may require a statement in writing of the grounds for such request.

If the coroner considers that such grounds do not warrant the reopening or holding of the inquest he may refuse to reopen or, as the case may be, hold it, but in that event he shall inform the Minister of such refusal and accompany such information with a copy of such grounds.

(3.) The persons authorised to request a coroner to reopen or hold an inquest shall be the husband or wife, father, mother, sister, brother, son, daughter, or guardian of the deceased person concerned."

12 GEO. VI.
No. 28.
JUSTICES
ACTS
AMENDMENT
ACT OF 1948.

An Act to Amend "The Justices Acts, 1886 to 1946," in certain particulars.

[ASSENTED TO 6TH APRIL, 1948.]

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 1948*," and shall be read as one with *"*The Justices Acts, 1886 to 1946*," herein referred to as the Principal Act.

Collective
title.

The Principal Act and this Act may collectively be cited as "*The Justices Acts, 1886 to 1948*."

Amendment
of s. 226.

2. Section two-hundred and twenty-six of the Principal Act is renumbered subsection one of section two-hundred and twenty-six, and the following subsections are added to the said section as so renumbered, namely:—

"(2.) The justices shall either state and sign the case or, pursuant to their powers under section two hundred and twenty-nine of this Act, refuse to state and sign the case, within thirty days after the receipt by them of the application so to do or within such extended period thereafter as the Supreme Court or a Judge thereof may, upon the application of the appellant party, order.

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(3.) If the appellant party—

- (a) Does not, within seven days after notice to him by the justices given in manner herein-after mentioned that they have stated and signed the case, enter into the recognizance and pay the proper fees under section two hundred and twenty-seven of this Act, and take delivery of the case ; or
- (b) Does not, within ten days after receiving the case, transmit to the Registrar of the Supreme Court the case together with such documents as are required by law to be transmitted with it,

the appellant party shall be deemed to have abandoned his appeal, and thereupon the justices shall, upon the application of the other or respondent party, (unless, the appellant party having sooner appeared before justices, the decision of the justices and any order thereon have already been enforced) estreat his recognizance, if any, and the decision of the justices and any order thereon shall be enforced as if the application for the special case had not been made.

Notice as aforesaid by justices may be given by serving the appellant party personally or by prepaid post letter or by prepaid telegram addressed to him at his usual or last-known place of abode or business, or by leaving the same at the office of the solicitor who applied on his behalf for the case.

(4.) If the Supreme Court or a Judge thereof is satisfied, upon application made by the appellant party or by the other or respondent party that, by reason of the death, absence or incapacity of the justices or any of them, or by reason of any other circumstances whatsoever,—

- (i.) The special case cannot be stated and signed by the justices ; or
- (ii.) The special case cannot be stated and signed by the justices without delay ; or
- (iii.) Any step in the proceedings cannot be taken or cannot be conveniently taken,

the Supreme Court or that Judge may order that any of the powers, authorities and jurisdiction of the justices who made the decision be exercised by such other

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justices as are named in the order and generally may make such orders relating to the conduct of the proceedings as are necessary or desirable to enable justice to be done.”

**Amendment
of s. 240.**

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

“If the appellant fails to prosecute the appeal without delay, the Supreme Court or a Judge thereof may, upon the application of the other or respondent party, order that the appeal be struck out, the recognizance, if any, entered into by the appellant be estreated, and that the appellant pay such costs as the Court or Judge shall award.

Thereupon the decision of the justices and any order thereon shall be enforced as if the appeal had not been made.”

**Application
of Act.**

4. (1.) The amendments made by section two of this Act to the Principal Act shall apply and extend to and with respect to applications for special cases made before as well as to and with respect to such applications made on or after the passing of this Act, and in relation to every such application made before the date of the passing of this Act the period of time specified in subsection two of section two hundred and twenty-six of **“The Justices Acts, 1886 to 1948”* shall be deemed to begin on such lastmentioned date.

(2.) The amendments made by section three of this Act to the Principal Act shall apply and extend to and with respect to appeals mentioned in section two hundred and thirty-seven of the Principal Act made before as well as to and with respect to such appeals made on or after the passing of this Act.

* 50 V. No. 17 and amending Acts.