

PART II—AMENDMENT OF THE JUSTICES ACT 1886–1977

3. Citation. The *Justices Act 1886–1977* as amended by this Part may be cited as the *Justices Act 1886–1978*.

4. New s. 113A. The *Justices Act 1886–1977* is amended by inserting after section 113 the following heading and section:—

“CORPORATION CHARGED WITH INDICTABLE OFFENCE

113A. Committal proceedings where defendant is a corporation.

(1) Where a corporation is charged with an indictable offence, it may appear before the justices by a representative at the time and place mentioned in the summons issued against it.

(2) A representative may on behalf of a corporation—

(a) make a statement before the justices in answer to the charge;

(b) enter a plea to the charge,

and any statement so made or plea so entered shall for all purposes be taken to be a statement made or plea entered by the corporation.

(3) Where a representative appears, any requirement of this Act that anything shall be done in the presence of the defendant, or shall be read or said to the defendant, shall be construed as a requirement that that thing shall be done in the presence of the representative or read or said to the representative.

(4) Where a representative does not appear—

(a) any requirement referred to in subsection (3) shall not apply; and

(b) the justices may nevertheless, if upon a consideration of all the evidence adduced upon an examination of witnesses in relation to the offence they are of the opinion that the evidence is sufficient to put the corporation upon its trial for an indictable offence, order the corporation to be committed to be tried for the offence before a court of competent jurisdiction.

(5) Justices may commit a corporation for trial or for sentence notwithstanding their inability to exercise their powers of committal to gaol or admission to bail following such committal.

(6) (a) Where a representative does not appear and justices order the corporation to be committed for trial, the clerk of the court at which the corporation has been so committed shall forthwith give to the corporation a notice in writing of such committal containing particulars in relation thereto.

(b) The notice may be given to the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

(7) (a) In this section, the term “representative” means a person appointed by the corporation to represent it for the purposes of this section; but a person so appointed is not, by virtue only of being so appointed, qualified to act on behalf of the corporation before justices for any other purpose.

(b) A representative need not be appointed under the seal of the corporation; and a statement in writing purporting to be signed by a managing director of the corporation or by any other person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as prima facie evidence that that person has been so appointed.”.

PART III—AMENDMENT OF THE CRIMINAL CODE

5. Construction. This Part shall be read as one with The Criminal Code.

6. New s. 594A. The Criminal Code is amended by inserting after section 594 the following heading and section:—

“ *Presence in Court and Plea where Accused Person is a Corporation.*

594A. (1) Where an indictment is presented against a corporation in respect of an indictable offence, the corporation may be present in Court by its representative and it may, on arraignment, enter a plea in writing by its representative.

Any plea so entered by the representative shall for all purposes be taken to be a plea entered by the corporation.

(2) If the corporation is not present in Court by its representative or if, though it is so present, it does not enter a plea in writing by its representative, the Court shall order a plea of not guilty to be entered on behalf of the corporation.

A plea so entered has the same effect as if it had been actually pleaded, and the trial of the corporation may proceed accordingly.

(3) In respect of a trial, any requirement by law that anything shall be done in the presence of the accused person or shall be read or said to or asked of the accused person shall, in the case of a corporation present in Court by its representative, be construed as a requirement that that thing shall be done in the presence of the representative or read or said to or asked of the representative.

If the corporation is not present in Court by its representative, it shall not be necessary for the thing to be done or read or said or asked.

(4) Where, in respect of a trial, anything is required to be done or said by the accused person personally, it may, in the case of a corporation present in Court by its representative, be done or said by the representative, and anything so done or said shall for all purposes be taken to be done or said by the corporation.

Nothing contained in this subsection limits the provisions of subsection (1) or the provisions of section 616.

(5) (a) In this section, the term “representative” means a person appointed by the corporation to represent it for the purposes of this section; but a person so appointed is not, by virtue only of being so appointed, qualified to act on behalf of the corporation before the Court for any other purpose.

(b) A representative need not be appointed under the seal of the corporation; and a statement in writing purporting to be signed by a managing director of the corporation or by any other person (by whatever name called) having, or being one of the persons having, the management of the affairs of the corporation to the effect that the person named in the statement has been appointed as the representative of the corporation for the purposes of this section shall be admissible without further proof as prima facie evidence that that person has been so appointed.”.