

South Australia

Justices of the Peace Act 1991

An Act to provide for the appointment of Justices of the Peace; and for other purposes.

Contents

- 1 Short title
- 3 Interpretation
- 4 Appointment of Justices
- 5 Special Justices
- 6 Removal of Justices from office
- 7 Roll of Justices
- 8 Use of abbreviation
- 9 Holding out etc

Legislative history

Appendix—Divisional penalties and expiation fees

The Parliament of South Australia enacts as follows:

1—Short title

This Act may be cited as the *Justices of the Peace Act 1991*.

3—Interpretation

In this Act—

Justice means a Justice of the Peace for South Australia, and includes a Special Justice.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

4—Appointment of Justices

- (1) The Governor may appoint suitable persons to be Justices.
- (2) A Justice must, before exercising official powers, take the oaths required of a Justice under the *Oaths Act 1936*.
- (3) The oaths must be taken—
 - (a) in open court or in chambers before a Judge of the Supreme Court or the District Court or a Magistrate; or
 - (b) before a commissioner for taking affidavits in the Supreme Court.

- (4) The oath must be signed by the person taking it and attested by the person before whom it is taken.

5—Special Justices

- (1) The Governor may, on the recommendation of the Attorney-General, appoint a Justice to be a Special Justice.
- (2) The Attorney-General will not recommend the appointment of a Special Justice unless satisfied that the prospective appointee is a fit and proper person to hold the appointment by virtue of his or her knowledge and experience of the law.
- (3) A Special Justice is entitled to such remuneration as may be determined by the Governor for the performance of judicial duties.

6—Removal of Justices from office

If a Justice—

- (a) is mentally or physically incapable of carrying out official functions satisfactorily; or
- (b) is convicted of an offence that, in the opinion of the Governor, shows the convicted person to be unfit to hold office as a Justice; or
- (c) is bankrupt, or applies to take the benefit of a law for the relief of bankrupt or insolvent debtors; or
- (d) should, in the Governor's opinion, be removed from office for any other reason,

the Governor may, by notice in the Gazette, remove the Justice from office.

7—Roll of Justices

- (1) The Attorney-General will keep a Roll of Justices.
- (2) The Roll will contain the names of all persons currently holding office as Justices.
- (3) The names of Justices who die or are removed from office must be removed from the Roll.

8—Use of abbreviation

The letters "J.P." appearing after a signature will be taken to signify that the signatory is a Justice.

9—Holding out etc

- (1) A person who is not a Justice must not—
 - (a) hold himself or herself out as a Justice; or
 - (b) permit another person to do so; or
 - (c) use the letters "J.P." after his or her signature.

Penalty: Division 5 fine.

- (2) A person must not hold out another as a Justice unless that other person is a Justice.
Penalty: Division 5 fine.

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Repeal of Act

The *Justices of the Peace Act 1991* was repealed by Sch 1 cl 1 of the *Justices of the Peace Act 2005* on 1.7.2006.

Principal Act

Year	No	Title	Assent	Commencement
1991	82	<i>Justices of the Peace Act 1991</i>	12.12.1991	6.7.1992 (<i>Gazette 2.7.1992 p209</i>)

Provisions amended

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>s 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	§

Appendix—Divisional penalties and expiation fees

At the date of publication of this version divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

Note: This appendix is provided for convenience of reference only.