



ANNO QUADRAGESIMO TERTIO ET QUADRAGESIMO
QUARTO

VICTORIÆ REGINÆ.

A.D. 1880.

No. 166.

An Act to amend the "Minor Offences Procedure Act, 1869," and "The Criminal Law Consolidation Act, 1876."

[Assented to, 11th August, 1880.]

WHEREAS it is expedient to amend the "Minor Offences Procedure Act, 1869," and "The Criminal Law Consolidation Act, 1876"—Be it therefore Enacted by the Governor-in-Chief of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

Preamble.

1. Section 16 of the "Minor Offences Procedure Act, 1869," and section 392 of "The Criminal Law Consolidation Act, 1876," are hereby repealed (excepting so far as may be necessary to support anything lawfully done thereunder before the commencement of this Act).

Repeal of section 16 of "Minor Offences Procedure Act, 1869," and section 392 of "The Criminal Law Consolidation Act, 1876."

2. When any charge is summarily adjudicated upon under the "Minor Offences Procedure Act, 1869," the Justices or Special Magistrate by whom such charge has been adjudicated upon, may, upon the request of any person who has preferred the charge, or appeared to prosecute or to give evidence against the person charged, if he or they think fit so to do, grant a certificate to such person for the amount of the compensation for his reasonable expense, trouble, and loss of time therein, subject to the regulations for the time being in force in relation to the certificates to be granted by the examining Magistrates under "The Criminal Law Consolidation Act, 1876": Provided that the amount of fees payable in respect of the expenses of apprehending any person charged with

Magistrate may order payment of expenses of prosecutor and witnesses when charge summarily adjudicated upon.

any

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any offence cognizable under the said "Minor Offences Procedure Act, 1869," and detaining him in custody, and of such other expenses as are now by law payable when incurred before a commitment for trial, may be added to the certificate for compensation as aforesaid, and paid in the like manner.

Certificate for payment under "Minor Offences Procedure Act, 1869," paid by the Clerk of any Local Court or Police Court.

3. Every certificate for compensation to any such person as aforesaid, as in the last section made and provided for, shall be paid by the Clerk of the nearest Local Court or Police Court to the place where the charge was adjudicated on or by the Clerk of the Local Court in Adelaide, in the said province, upon the same being presented to him upon sight out of any funds in his hands, or which may be granted to him for the purpose, to the person named therein; or if the said certificate shall have been endorsed with the words "Pay the bearer hereof," or words to that effect, signed by the person named therein, and witnessed by one disinterested person, then to the bearer thereof: And every such Clerk shall be allowed the same in his accounts: And every payment made by him shall effectually discharge him from any claims made by the person named therein, or any person claiming by, through, or under him.

Order for payment under "The Criminal Law Consolidation Act, 1876," to be made out by proper officer and paid by Sheriff or Clerk of any Local Court or Police Court in the said province upon the same being presented to him upon sight.

4. Every order for payment to any prosecutor or other person, as in section 391 of the said "The Criminal Law Consolidation Act, 1876," mentioned and provided for, shall be forthwith made out, and delivered by the proper officer of the Court, unto such prosecutor or other person, and shall be paid by the Sheriff, or by the Clerk of any Local Court or Police Court as aforesaid, out of any funds he may have in his hands, or which may be granted to him for the purpose, to the person named therein; or if the said order shall have been endorsed with the words "Pay the bearer hereof," or words to that effect, signed by the person within-named, and witnessed by one disinterested person, then to the bearer thereof, and the Sheriff and every such Clerk, as aforesaid, shall be allowed the same in his accounts: And every payment made by him shall effectually discharge him from any claims made by the person named therein, or any person claiming by, through, or under him.

Incorporation.

5. The said "Minor Offences Procedure Act, 1869," and "The Criminal Law Consolidation Act, 1876" (save so far as the same are effected, altered, or amended hereby), shall be deemed to be incorporated with this Act, and shall, each of them, be construed herewith as forming one Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.