

South Australia



**SUMMARY PROCEDURE (TIME FOR MAKING COMPLAINT)
AMENDMENT ACT 1996**

No. 35 of 1996

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Substitution of s. 52
 52. Limitation on time in which proceedings may be commenced



ANNO QUADRAGESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1996

No. 35 of 1996

An Act to amend the Summary Procedure Act 1921.

[Assented to 2 May 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Summary Procedure (Time for Making Complaint) Amendment Act 1996*.

(2) The *Summary Procedure Act 1921* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Substitution of s. 52

3. Section 52 of the principal Act is repealed and the following section is substituted:

Limitation on time in which proceedings may be commenced

52. Subject to any provision of an Act to the contrary, if a person is to be prosecuted for a summary offence, the proceedings must be commenced within the following time limits:

- (a) in the case of an expiable offence—
 - (i) if an expiation notice was given to the person—the proceedings must be commenced within 6 months of the expiry of the expiation period specified in the notice (whether or not the notice was subsequently withdrawn);
 - (ii) if an expiation notice was not given to the person—the proceedings must be commenced within 6 months of the date on which the offence is alleged to have been committed;
- (b) in the case of an offence that is not expiable—the proceedings must be commenced within 2 years of the date on which the offence is alleged to have been committed.

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

ROMA MITCHELL Governor