



## JUSTICES AMENDMENT ACT 1983

No. 45 of 1983

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**AN ACT to amend the Justices Act 1959 for the purpose of making further provision with respect to the powers of justices and for other purposes.**

**[Royal Assent 28 September 1983]**

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—This Act may be cited as the *Justices Amendment Act 1983*. Short title.

**2**—In this Act, the *Justices Act 1959*\* is referred to as the Principal Act. **Principal Act.**

\* No. 77 of 1959. For this Act, as amended to 1st May 1982, see the continuing Reprint of Statutes, subsequently amended by Nos. 33 and 51 of 1982.

Amendment of section 4A of Principal Act (Powers of Justices).

**3**—Section 4A of the Principal Act is amended by omitting “ in this State notwithstanding that he has not ” and substituting “ in Tasmania or by the common law and may exercise those powers whether or not he has ”.

Amendment of section 78 of Principal Act (Provisions relating to time for payment of fines, &c., and enforcement of payment of fines, &c.).

**4**—Section 78 of the Principal Act is amended by omitting subsection (6) and substituting the following subsections:—

(6) A justice may, on the application of the clerk of petty sessions, issue a warrant of commitment of the defendant to gaol to be imprisoned there for the period specified in the conviction or order pursuant to subsection (1) (b), or, as the case may be, for the period calculated as referred to in subsection (3), in either of the following cases:—

(a) where a defendant, having been granted, or deemed to have been granted, under this section time to pay a sum of money, fails to pay that sum within that time and the justice is satisfied that the defendant is no longer within Tasmania or that his usual place of residence is a place outside Tasmania;

(b) where the defendant, having been granted under this section additional time to pay a sum of money and the costs (if any) in relation to a warrant issued in respect of him under subsection (4), fails to pay that sum and those costs within that additional time.

(6A) A warrant of commitment may be issued in the circumstances specified in subsection (6) (a) whether or not a warrant of apprehension has been issued under subsection (4).