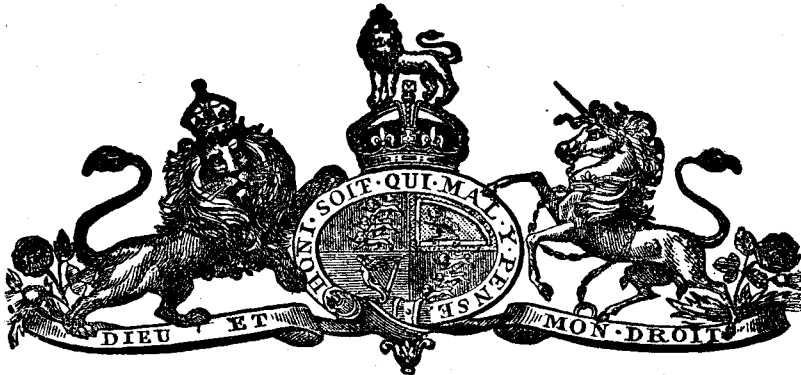


TASMANIA.



1921.

ANNO DUODECIMO

GEORGII V. REGIS,

No. 47.

ANALYSIS.

- 1. Short title.
- 2. Repeal of Section 146 of Principal Act and substitution of new section
- 3. Enforcement of orders where defendant resides.

AN ACT to amend "The Justices' Procedure Act, 1919." [30 January, 1922.]

A.D. 1921.

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—(1) This Act may be cited as "The Justices' Procedure Act, 1921." Short title.

(2) "The Justices' Procedure Act, 1919," is herein called "the Principal Act." 10 Geo. V. No. 55.

2 Section One hundred and forty-six of the Principal Act is hereby repealed, and the following new Section One hundred and forty-six substituted therefor—

"146—(1) Any person who is aggrieved by any order of justices, or against whom a warrant has been issued by any justice, may, within Fourteen days after such order, or the issuing of such warrant,

Repeal of Section 146 of Principal Act and substitution of new section.

Justices' Procedure.

A.D. 1921.

apply to a judge of the Supreme Court for an order calling upon the complainant, defendant, or other person interested in upholding such order, or warrant, and also, if the judge thinks fit, upon the justices making or issuing the same, to show cause why such order, or warrant should not be reviewed.

“(2) If upon the hearing of any application under Subsection (1), the applicant shall show by affidavit—

- i. A *prima facie* case of error or mistake on the part of such justices on a matter or question of fact alone, or of law alone, or of both fact and law : or
- ii. That such justices had no jurisdiction to make such order, or to issue such warrant : or
- iii. That such order or warrant should not have been made or issued—

the judge may make such order to review and the same may be returnable before the Full Court, or before a judge sitting in court or chambers.

“(3) No order shall be made to review an order made *ex parte*, unless an application to set the same aside, under Section Ninety-nine, has been refused.

“(4) On the return of an order to review before a judge, the judge may, in his discretion, upon the application of any party thereto or of his own motion, refer the same for hearing and determination by the Full Court.

“(5) The refusal by a judge to make an order for review, or his determination upon the return of any order to review, shall be subject to an appeal to the Full Court, and upon any such appeal the court may proceed as upon an order to review returnable before the Full Court in the First instance.

“(6) No order to review shall be made in the case of the committal of a defendant for trial.

“(7) A judge may in his discretion, upon an affidavit setting forth special circumstances, extend the time for making an application for an order to review if in his opinion the circumstances require it.

“(8) In this section the term ‘order’ includes a conviction, dismissal of a complaint, determination and adjudication.”

Enforcement of
orders where
defendant resides.

3 When any order of justices for the payment of any sum of money is required to be enforced, and the person ordered to make such payment, (herein called “the defendant”) resides at any place distant not less than Thirty miles from the place where such order was made—

1. A certificate of such order in the form in the Schedule, or to the like effect, signed by the justice or one of the justices who made such order, or by the clerk of petty sessions at the place where the same was made, may be sent to the clerk of the court of petty sessions nearest to the place where the defendant resides : and

Justices' Procedure.

- ii. Such certificate shall contain full particulars of such order, and of the amount in arrear thereunder, if within the knowledge of the person signing the same, and shall be *prima facie* evidence of the facts therein stated : and
- iii. Any proceedings which could be taken to enforce such order where the same was made may thereupon be taken at such last mentioned court of petty sessions ; and if the person for whom or on whose behalf any such order was made is resident within Thirty miles of such last mentioned court, any such order which might be altered, varied or discharged at the place where it was made, may be altered, varied or discharged at such last mentioned court.

A.D. 1921

SCHEDULE.**CERTIFICATE OF ORDER.**

(To be endorsed on copy of original order.)

In the Court of Petty Sessions, held at
Between

and

, Complainant,
, Defendant.

I hereby certify that the within written document is a true copy of an order made by the Court of Petty Sessions at , in Tasmania.

[And, if known to the person giving the certificate :]

That there is now due and unsatisfied in respect of the said order the sum of
To the best of my knowledge and belief the within named defendant is now residing at , in the State of Tasmania.

Given pursuant to the provisions of Section Three
of "The Justices' Procedure Act, 1921," this
day of , 192 .
at in the State of Tasmania.)

