

AUSTRALIAN CAPITAL TERRITORY.

No. 14 of 1953.

AN ORDINANCE

To amend the Court of Petty Sessions Ordinance 1930-1951.

BE it ordained by the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938* and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1.—(1.) This Ordinance may be cited as the *Court of Petty Sessions Ordinance 1953*.^{*} Short title and citation.

(2.) The *Court of Petty Sessions Ordinance 1930-1951* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Court of Petty Sessions Ordinance 1930-1953*.

2. This Ordinance shall come into operation on the third day of December. One thousand nine hundred and fifty-three. Commencement.

3. Section four of the Principal Ordinance is amended by omitting the words—

“Part XIII.—Costs.”

and inserting in their stead the words—

“Part XIII.—Costs and Fees.”

4. Section five of the Principal Ordinance is amended by inserting, before the definition of “Capital offence”, the following definition:— Definitions.

“‘Bailiff’ means a bailiff appointed under this Ordinance;”.

5. Section twenty-four B of the Principal Ordinance is amended by omitting from sub-paragraph (iv) of paragraph (a) the words “a fee of Ten shillings and sixpence” and inserting in their stead the words “the fee prescribed by rules or regulations under this Ordinance”. Procedure for removal of cases.

6. Section forty-one of the Principal Ordinance is amended— Service of summons.
(a) by omitting sub-section (1.) and inserting in its stead the following sub-sections:—

“ (1.) A summons issued in respect of an information or complaint, not being a default summons, may be served upon the person to whom it is directed by—

(a) delivering a copy of the summons to that person; or

^{*} Notified in the *Commonwealth Gazette* on 12th November, 1953.

(b) by leaving a copy of the summons at the last known or usual place of abode or business of that person with some other person who is apparently an inmate of, or employed at, that place and apparently over the age of sixteen years.

“(1A.) Service of a summons under the last preceding sub-section shall be effected—

(a) in the case of a summons issued in respect of an information—at least seventy-two hours before the time appointed in the summons for the hearing of the information; or

(b) in the case of a summons issued in respect of a complaint—at least ten clear days before the time appointed in the summons for the hearing of the complaint.”; and

(b) by omitting from sub-section (2.) the words “last preceding sub-section” and inserting in their stead the words “preceding provisions of this section”.

Procedure on execution.

7. Section one hundred and sixty-two of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.), after the word “officer”, the words “or a bailiff”;

(b) by omitting from that sub-section the words “Ten pounds” and inserting in their stead the words “Fifty pounds”;

(c) by inserting in sub-section (6.), after the word “officer”, the words “or bailiff”;

(d) by inserting in sub-section (7.), after the word “officer”, the words “or bailiff”;

(e) by inserting in sub-section (8.), after the word “officer” (first occurring), the words “or bailiff”;

(f) by omitting from that sub-section the word “officer” (second occurring) and inserting in its stead the words “police officer or bailiff, as the case may be,”;

(g) by inserting in sub-section (9.), after the word “officer”, the words “or bailiff”;

(h) by omitting from sub-section (10.) the word “officer” and inserting in its stead the words “police officer or bailiff”.

Time of application to be recorded.

8. Section one hundred and sixty-five of the Principal Ordinance is amended by inserting, after the word “officer”, the words “or bailiff”.

9. Section one hundred and sixty-seven of the Principal Ordinance is amended by inserting in sub-section (1.), after the word "officer", the words "or bailiff". Adverse claim to goods seized.

10. Section two hundred and eight of the Principal Ordinance is amended by omitting from paragraph (d) of sub-section (2.) the words "a fee of Ten shillings and sixpence" and inserting in their stead the words "the fee prescribed by rules or regulations under this Ordinance". Appeals in other cases.

11. Section two hundred and thirty-one of the Principal Ordinance is amended by omitting the words "place of abode" and inserting in their stead the words "or usual place of abode or business". Magistrate sued for act not within his jurisdiction.

12. The heading to Part XIII. of the Principal Ordinance is omitted and the following heading inserted in its stead:— Heading to Part XIII.

"PART XIII.—COSTS AND FEES."

13. Section two hundred and forty-four of the Principal Ordinance is amended by omitting from sub-section (2.) the words "specified in the Fifth and Sixth Schedules to this Ordinance or". Award of costs.

14. Section two hundred and forty-five of the Principal Ordinance is repealed and the following section inserted in its stead:—

"245.—(1.) There shall be payable, in respect of proceedings and matters under this Ordinance, to the Clerk and to the Registrar such fees as are prescribed by rules or regulations under this Ordinance. Court fees.

"(2.) The prescribed fees shall be paid in advance and, in the first instance, by the party on whose behalf the proceedings are taken."

15. Section two hundred and forty-seven of the Principal Ordinance is repealed and the following section inserted in its stead:—

"247. The costs which may be allowed for witnesses who attend to give evidence before the Court shall be in accordance with such scale as is prescribed by rules or regulations under this Ordinance." Witnesses' expenses.

16. Section two hundred and fifty-eight of the Principal Ordinance is amended— Rules and Regulations.

(a) by omitting from paragraph (e) the words "under this Ordinance or"; and

(b) by omitting paragraph (f).

17. The First Schedule to the Principal Ordinance is amended— The First Schedule.

(a) by inserting in Form 11, after the word "Force" (wherever occurring), the words "(or the said bailiff)";

(b) by inserting in Form 57, after the words—

“To the Chief Officer of Police at Canberra, in the Australian Capital Territory, and all other Police Officers in the said Territory.”

the words—

“or

To _____, a bailiff of the Court of Petty Sessions of the Australian Capital Territory.”;

(c) by inserting in Form 58, after the words—

“To the Chief Officer of Police at Canberra, in the Australian Capital Territory, and all other Police Officers in the said Territory.”

the words—

“or

To _____, a bailiff of the Court of Petty Sessions of the Australian Capital Territory.”;

(d) by omitting from Form 59 the words “Principal Police Officer” and inserting in their stead the words “Chief Officer of Police”;

(e) by inserting in Form 61, after the words—

“To _____ a member of the Police Force of the Australian Capital Territory.”

the words—

“or

To _____, a bailiff of the Court of Petty Sessions of the Australian Capital Territory.”;
and

(f) by inserting in Form 62, after the word “officer”, the words “(or bailiff)”.

18. The Fourth, Fifth and Sixth Schedules to the Principal Ordinance are repealed.

Dated this eleventh day of November, 1953.

W. J. SLIM
Governor-General.

By His Excellency's Command,

J. A. SPICER
for and on behalf of the Minister of State
for the Interior.

Repeal of the
Fourth, Fifth
and Sixth
Schedules.

By Authority: L. F. JOHNSTON, Commonwealth Government Printer, Canberra.