



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 31 of 1974

An Act to amend the Justices Act, 1921-1972.

[Assented to 11th April, 1974]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Justices Act Amendment Act, 1974". Short titles.
- (2) The Justices Act, 1921-1972, is hereinafter referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Justices Act, 1921-1974".

2. Section 168 of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "a special magistrate or any two Justices" and inserting in lieu thereof the passage "the Supreme Court, a special magistrate or any two Justices";

Amendment of principal Act, s. 168—
Release of appellant in custody.

- (b) by inserting after subsection (1) the following subsection:—

(1a) An application for release under subsection (1) of this section should be made in the first instance to a special magistrate or two Justices, and should not be made to the Supreme Court unless that initial application has been refused.;

and

- (c) by inserting after subsection (4) the following subsections:—

(5) A recognizance under this section may contain such additional conditions as the Supreme Court, special magistrate or two Justices think fit and include in the recognizance.

(6) Where a Justice has reasonable cause to believe that a person released upon recognizance under this section has failed to observe any condition of the recognizance, he may issue a warrant for the apprehension of the person so released and for his return to custody.

Enactment of
s. 187b of
principal Act—
Security for
observance of
recognizance.

3. The following heading and section are enacted and inserted in the principal Act immediately after section 187a thereof:—

Security for Observance of Recognizance

187b. Where a Justice or court is authorized or required by this Act to release a person upon recognizance, with or without a surety, or sureties, the court or Justice may do so upon condition that the person so released, or a surety, pay to the clerk of the court before which the person so released is required to appear in pursuance of the recognizance such amount, by way of security for the due observance of the recognizance, as the Justice or court thinks fit.

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

M. L. OLIPHANT, Governor