

# JUSTICES (FEES) ORDINANCE, 1912.<sup>(1)</sup>

## An Ordinance to amend the Law relating to Fees in Respect of Proceedings before Justices; and for other purposes in connection therewith.

**B**E it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Justices (Fees) Ordinance, 1912.*<sup>(1)</sup> Short title.
  - It shall commence and have effect on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.*<sup>(1)</sup> Commencement of Ordinance.
  2. The enactment mentioned in the First Schedule hereto is repealed. Repeal. First Schedule.
  3. In this Ordinance the word "clerk" means a clerk of petty sessions or any person acting as such. Interpretation.
  4. The several fees specified in the Second Schedule hereto and no other shall be payable and be demanded and taken by clerks of petty sessions for the performance of the business and services therein stated in respect of proceedings before any magistrate or justice of the peace in the Territory. Fees for services in Second Schedule. Q. 4 Wm. IV. No. 5, s. 1.
- Provided that no fee shall be demanded in respect of proceedings before any magistrate or justice of the peace from any prosecutor or accused person in any prosecution for an indictable offence. Proviso. Q. *Id.* s. 1. N.S.W. 14 of 1904, s. 3.

(1) The *Justices (Fees) Ordinance, 1912*, comprises the original *Justices (Fees) Ordinance, 1912*, as amended by the other Ordinance referred to in the following Table:—

### ORDINANCES OF THE LEGISLATIVE COUNCIL FOR THE TERRITORY OF PAPUA.

Short title, number and year.	Date of assent by Lieut.-Gov.	Date of reservation by Lieut.-Gov.	Date on which assent of Gov.-Gen. in Council published in Papua <i>Govt. Gaz.</i>	Date on which came into operation.
<i>Justices (Fees) Ordinance, 1912</i> (No. 35 of 1912)	16.7.1912 <sup>(a)</sup>	—	—	7.5.1913 (Papua <i>Govt. Gaz.</i> of 7.5.1913)
<i>Ordinances Revision Ordinance, 1913</i> (No. 3 of 1914)	—	14.8.1913	4.2.1914	4.2.1914 (Papua <i>Govt. Gaz.</i> of 4.2.1914)

(a) No notice of non-disallowance by Gov.-Gen. in Council has been published in Papua *Govt. Gaz.*

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S.A. No. 4 of 1843.

Provided also that a justice may in his discretion make an order remitting the whole or any part of the fees in any case in which the poverty of the party liable therefor shall be proved to his satisfaction.

Table of fees to be posted up.  
Q. 4 Wm. IV. No. 5, s. 2.

5.—(1.) Each clerk shall cause a true and exact printed copy of the table of such fees as are specified in the Second Schedule to be posted up and kept constantly in a conspicuous part of the room or place where his duties as clerk are usually performed.

Penalty—Five pounds.

Clerk to produce schedule of fees if required.  
Q. *Ib.* s. 2.

(2.) The clerk shall produce and show if required to the person requiring to see the same a printed copy of the said Second Schedule upon his demanding payment of any fee.

Penalty—Ten shillings.

Limitation of proceedings for penalty.  
Q. *Ib.* s. 2.

(3.) The penalties hereinbefore imposed shall not be recovered if complaint be not made within one calendar month after the commission of the alleged offence.

Clerk to make verified monthly returns.  
Q. *Ib.* s. 3.  
Third Schedule.

6. Each clerk shall at the end of every month make a return in the form in the Third Schedule hereto to the magistrate of the court of petty sessions of which he is clerk of all fees fines penalties and sums of money received by him in virtue of his office such return to be verified by statutory declaration signed by him and transmitted as the voucher of his accounts.

7. The Lieutenant-Governor<sup>(2)</sup> may make regulations<sup>(3)</sup> further prescribing under what circumstances and by whom the fees mentioned in the Second Schedule hereto or any of them may be remitted.

SCHEDULES.

See s. 2.

FIRST SCHEDULE.

Enactment.	Title.	Extent of Repeal.
4 Wm. IV. No. 5 Queensland adopted.	An Act for appointing the fees to be taken in the several courts of police and petty sessions and by the clerks of justices acting singly in the colony of New South Wales.	The whole enactment.

See s. 4.

SECOND SCHEDULE.

Amended by No. 3 of 1914, s. 3 and Second Schedule.

LIST OF FEES TO BE DEMANDED AND TAKEN BY THE CLERKS OF PETTY SESSIONS IN PROCEEDINGS BEFORE JUSTICES.

Summons copy and serving	.. .. .	s. d.
Subpœna not containing more than four names	.. .. .	2 6
		1 6

(2) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

(3) No regulations have been made.

*Justices (Fees) Ordinance, 1912.*

	<i>s. d.</i>
Copies to serve each .. .. .	0 6
Drawing affidavit and information in cases within the jurisdiction of the magistrates not exceeding one folio of seventy-two words .. .. .	1 0
For every additional folio .. .. .	1 0
Warrant to apprehend in cases not indictable .. .. .	2 0
Recognizance and notices of the nature thereof .. .. .	5 6
Warrant to distrain under penal Ordinances .. .. .	2 6
Order of a justice or justices .. .. .	1 0
Drawing any other document required in the discharge of the police duties not enumerated above per folio of seventy-two words .. .. .	1 0
Copy of proceedings per folio of seventy-two words .. .. .	0 6

THIRD SCHEDULE.

*See s. 6.*

Accounts of all fees fines penalties and sums of money received between the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by the undersigned \_\_\_\_\_ as clerk of \_\_\_\_\_

Time when.	Parties litigating.	From whom.	On what account.	£ s. d.

Clerk of

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