



New South Wales

# Justices (General) Amendment (Short Descriptions of Offences) Regulation 1998

under the  
Justices Act 1902

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Justices Act 1902*.

J W Shaw  
Attorney General

## Explanatory note

The objects of this Regulation are:

- (a) to specify short descriptions for certain offences under the *Inclosed Lands Protection Act 1901*, the *Innkeepers Act 1968* and the *Police Offences Act 1901* to facilitate the issue of summonses, warrants and other legal processes, and
- (b) to make minor amendments for the purposes of law revision.

This Regulation is made under the *Justices Act 1902*, including sections 145B and 154 (2) (the general regulation-making power).

## Justices (General) Amendment (Short Descriptions of Offences) Regulation 1998

### 1 Name of Regulation

This Regulation is the *Justices (General) Amendment (Short Descriptions of Offences) Regulation 1998*.

### 2 Amendment of Justices (General) Regulation 1993

The *Justices (General) Regulation 1993* is amended as set out in Schedule 1.

### 3 Repeal

The *Liquor and Registered Clubs (Short Description of Offences) Regulation 1994* is repealed.

### 4 Transitional

- (1) This clause applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the repeal of the repealed regulations) that relates to an offence alleged to have been committed before that repeal.
- (2) The repeal of the repealed regulations does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which an expression prescribed by the relevant repealed regulation is used.
- (3) In this clause, *the repealed regulations* means the following regulations:
  - (a) *Justices (Short Descriptions of Miscellaneous Offences) Regulation 1993*.
  - (b) *Justices (Short Descriptions of Local Government Offences) Regulation 1993*.
  - (c) *Consumer Protection (Short Description of Offences) Regulation 1993*.
  - (d) *Liquor and Registered Clubs (Short Description of Offences) Regulation 1994*.

### 5 Notes

The explanatory note does not form part of this Regulation.

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**Schedule 1 Amendments**

(Clause 2)

**[1] Clause 23A Written pleas (sec 75)**

Omit "Form 5". Insert instead "Form 6".

**[2] Clause 23B**

Insert after clause 23A:

**23B Short descriptions of various offences under certain legislation**

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 3 is:
  - (a) the expression specified in Column 2 of that Schedule, or
  - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 3, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

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Schedule 1 Amendments

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### [3] Schedule 2 Forms

Renumber Form 5 (as inserted by the *Justices (General) Amendment (Notice of Plea) Regulation 1998*) as Form 6.

### [4] Schedule 3

Insert after Schedule 2:

#### **Schedule 3 Short descriptions of various offences** (Clause 23B)

<b>Column 1</b>	<b>Column 2</b>
<b>Offence</b>	<b>Prescribed expression</b>
<b>Offences under the Inclosed Lands Protection Act 1901</b>	
Section 4 (1)—enter into inclosed lands of any other person, without consent of owner, occupier or person apparently in charge	enter inclosed lands
Section 4 (1)—remain on inclosed lands of any other person, after being requested to leave by owner. occupier or person apparently in charge	remain on inclosed lands
Section 4A—remain on inclosed lands and behave in offensive manner on inclosed lands of another person. after being requested to leave by owner. occupier or person apparently in charge	offensive conduct on inclosed lands
<b>Offences under the Innkeepers Act 1968</b>	
Section 9—on demand of payment by innkeeper or servant, fail or refuse to pay for meal or accommodation supplied at inn	fail/refuse to pay for meal/ accommodation

Column 1	Column 2
Offence	Prescribed expression
Section 9—on demand of payment by innkeeper or servant, by actions avoid such demand or render such demand impossible and fail to pay for meal or accommodation supplied at inn	avoid demand to pay/make demand to pay impossible for meal/accommodation
<b>Offences under the Police Offences Act 1901</b>	
Section 108—assault or resist any special constable in execution of duty	assault/resist special constable