



ANNO SEXTO

GEORGII V REGIS.

A.D. 1915.

No. 1190.

An Act to amend the Prison Acts, 1869 to 1912.

[Assented to, October 1st, 1915.]

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 alone as the "Prison Act Further Amendment Act, 1915." Short titles.

(2) "The Prison Acts, 1869 to 1912," and this Act may be cited together as "The Prison Acts, 1869 to 1915." No. 12 of 1869-70.
No. 884 of 1905
No. 1090 of 1912.

2. This Act is incorporated with the other Acts referred to in section 1 of this Act, and the said Acts and this Act shall be read together as one Act. Incorporation with other Acts.

3. (1) Subject as hereinafter provided, whenever a term of imprisonment is awarded or any person is committed to any prison or other place of confinement by any Court, or by any other authority or person having power so to award or commit, it shall be lawful, in case the person in respect of whom such imprisonment is awarded or who is so committed, cannot conveniently be taken immediately to the prison or other place of confinement to which he is committed, or to which he should in accordance with the law be taken, for the police or other officer or person having the custody of such person, to lodge such person in any other prison, or in any police prison, police station, watchhouse, or lock-up, until he can conveniently be conveyed to the prison or other place of confinement to which he is committed or should be taken. Power to detain prisoner temporarily elsewhere than in prison to which committed.

Prison Act Further Amendment Act.—1915.

Power exercisable
from time to time.

(2) The power hereby conferred may be exercised from time to time during the course of the conveyance of any person to the prison or other place of confinement.

Section only to apply
where so directed.

(3) This section shall not apply in the case of any person unless the authority or person by whom or by which the imprisonment is awarded or the person is committed, or some Court, directs that it shall so apply: Provided that—

- I. when the power so to direct is exercised by a Court, such Court need not be the Court by which the imprisonment was awarded or the person was committed, unless the last-mentioned Court so directs:
- II. the direction shall operate retrospectively, so as to cover and justify past acts and omissions, if the Court or other authority or person making such direction further directs to that effect.

Limitation of time of
application.

(4) The application of this section in any case shall be limited to such (if any) period of time as is specified by the Court or authority or person giving the direction that it shall apply: Provided that such period may be extended by direction of any Court or authority or person by which or by whom the original direction was, or might have been, made.

Interpretation.

(5) In this section the term "Court" includes any Court and any Judge thereof or any other person having, for the time being, the jurisdiction of a Judge thereof: it also includes any Special Magistrate or any Justice or Justices of the Peace.

Authority for gaolers
to detain prisoners.

4. This Act shall be sufficient authority for all gaolers and all police prison, police station, watch house, and lock-up keepers to receive and to keep and detain all persons lodged with them respectively under the power conferred by section 3 of this Act, and whilst so detained such persons shall be deemed to be prisoners in legal custody.

Validation of past
acts.

5. All acts and omissions which have heretofore occurred and which, if they had occurred after the passing of this Act, might have been rendered lawful by a direction under section 3 of this Act, are hereby made lawful.

Saving of existing
powers.

6. Nothing in this Act shall be deemed to take away, or in any way to curtail or modify, any power existing at the passing of this Act whether by virtue of any Act or at common law.

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

H. L. GALWAY, Governor.