

1960.

VICTORIA.



ANNO NONO

ELIZABETHÆ SECUNDÆ REGINÆ.

No. 6649.

An Act to make Provision with respect to the Release
of Persons apprehended for certain Offences
on their making a Cash Deposit.

[15th June, 1960.]

BE it enacted by the Queen's Most Excellent Majesty by and
with the advice and consent of the Legislative Council and
the Legislative Assembly of Victoria in this present Parliament
assembled and by the authority of the same as follows (that is
to say):—

Short title.

1. This Act may be cited as the *Police Offences (Amendment) Act 1960*.

Amendment of
No. 6337 s. 30.Power to
certain members
of police force
to release
persons
apprehended
for certain
offences on
their making
cash deposit
as security
for penalty.

2. The *Police Offences Act 1958* shall be amended as follows :—

(a) After sub-section (2) of section thirty there shall be
inserted the following sub-sections :—

“(3) Where any person is apprehended for any offence against
any of the preceding sections twenty-three to twenty-seven a
member of the police force of or above the rank of senior constable
or for the time being in charge of a police station shall in addition
to any power he may have to release such person on a recognizance
have power to release him on his making a deposit of such sum
not exceeding Twenty-five pounds as such member of the police
force thinks reasonable as security for the payment of any penalty
which may be imposed by a justice or court of petty sessions as
punishment for his offence.

(4) Upon

(4) Upon so releasing any such person such member of the police force shall notify him that he is required to appear before a justice or court of petty sessions at a certain time and place and that if he fails to appear accordingly the charge against him may be heard in his absence and that such deposit will be appropriated to the payment or part payment of any fine which may be imposed by the justice or court of petty sessions and that any surplus thereof will be paid into Consolidated Revenue but that if he appears to answer the charge any surplus will be refunded to him.

(5) Notwithstanding anything in any Act or law, where any person who is released in accordance with the provisions of this section fails to appear at the time and place notified to him the charge against him may be heard and determined in his absence and the deposit lodged by him shall be appropriated to the payment or part payment of any fine which may be imposed by the justice or court of petty sessions and any surplus thereof shall be paid into Consolidated Revenue. If the person appears any surplus shall be refunded to him.

(6) A statement in the form contained in Schedule One A to this Act purporting to be signed by the member of the police force who released the person shall be *prima facie* evidence that the defendant was released and notified in accordance with sub-sections (3) and (4) of this section ” ; and

(b) After the First Schedule there shall be inserted the following schedule :—

“SCHEDULE

Section 30.

" SCHEDULE ONE A.

In the..... Bailiwick

Informant
Defendant

Nature of Offence (state shortly).....

BE IT REMEMBERED that the above-named defendant was released by me from custody on his making a deposit in the sum of.....pounds, and at the time I released him—

*State precisely where.

(a) I notified him that he was required to appear before a Justice of the Peace sitting in open Court at*
[or the Court of Petty Sessions at.....]
at the hour of.....o'clock in the.....noon
on the.....day of.....19..... to answer the said charge ; and

(b) I explained to him that if he failed to appear at the said time and place the charge might be heard in his absence and that such deposit would be appropriated to the payment or part payment of any fine which might be imposed upon him by the Justice or Court and any surplus paid into Consolidated Revenue, but that if he appeared to answer the charge any surplus would be refunded to him.

Dated at.....this.....day of.....19.....

Signature of member of the police force releasing the defendant.

Deposit of £.....

Defendant's signature....."

