



AUSTRALIAN CAPITAL TERRITORY

## Magistrates Court (Amendment) Act 1995

No. 41 of 1995

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### **An Act to amend the *Magistrates Court Act 1930***

*[Notified in ACT Gazette S274: 7 November 1995]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### **Short title**

1. This Act may be cited as the *Magistrates Court (Amendment) Act 1995*.

#### **Commencement**

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Magistrates Court Act 1930*.<sup>1</sup>

#### **Stay of execution pending appeal in certain cases**

4. Section 216 of the Principal Act is amended by adding at the end the following subsection:

“(2) If the appellant in custody in respect of whom the enforcement or execution of a conviction is stayed—

- (a) is not granted bail under the *Bail Act 1992*; or
- (b) is not detained for any other cause;

the court or a magistrate may, by warrant, commit the person to a remand centre.”.

### **Commitment to remand centre**

5. Section 255A of the Principal Act is amended—

- (a) by omitting from paragraph (1) (a) “to gaol under section 202” and substituting “subsection 547 (2) of the *Crimes Act 1900*”; and
- (b) by omitting from paragraph (1) (b) “(*Australian Capital Territory*)”.

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### **NOTE**

#### **Principal Act**

1. Reprinted as at 10 April 1995.

*[Presentation speech made in Assembly on 21 September 1995]*

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