

CLAUSE NOTES

Justices (Validation) Bill 2021

- | | |
|----------|---|
| Clause 1 | <p>Short title</p> <p>Specifies the name of the proposed Act.</p> |
| Clause 2 | <p>Commencement</p> <p>Provides that the Act commences on Royal Assent.</p> |
| Clause 3 | <p>Validation of certain summons and warrants</p> <p>Provides that a summons or warrant purportedly issued under section 41 of the <i>Justices Act 1959</i> to a person before the commencement of this Act is validly made.</p> <p>The intention is only to validate those summonses and warrants that would have been validly issued if the justice had had the relevant power when they issued them and lawfully exercised that power.</p> <p>The retrospective validation of warrants is required as some persons may have been convicted for failing to appear in response to a summons pursuant to section 42 of the <i>Justices Act 1959</i>.</p> |
| Clause 4 | <p>Principal Act</p> <p>Provides that the <i>Justices Act 1959</i> is referred to as the Principal Act.</p> |
| Clause 5 | <p>Section 23 amended (Powers of single justice)</p> <p>Amends section 23(b) of the Principal Act to empower a single justice to make orders in relation to a complaint or the matter to which an application under Part XA of the Principal Act or Part 3 or 4 of the <i>Family Violence Act 2004</i> relates.</p> <p>Amending section 23 is necessary to reflect the amendment to the specific summons power in section 41 of the Principal Act (see clause 6).</p> |
| Clause 6 | <p>Section 41 amended (Justice may summon witnesses to attend and give evidence)</p> <p>Amends the specific summons power of a justice at section 41(1) of the Principal Act to empower a single justice to make orders in relation to a matter to which an application under Part XA of the Principal Act or Part 3 or 4 of the <i>Family Violence Act 2004</i> relates.</p> <p>The purpose of the amendments is to provide justices with the sufficient express powers required to compel witnesses by summons in restraint order and family violence order proceedings.</p> |