

# Supplementary Order Paper

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## HOUSE OF REPRESENTATIVES

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Thursday, the 5th Day of May 1955

JUSTICES OF THE PEACE AMENDMENT BILL

*Proposed Amendment*

Hon. Mr MARSHALL, in Committee, to move the following amendment:

*New Clause*

To add the following new clause:

Particular  
powers of  
Supreme Court  
on appeal.

5. The principal Act is hereby further amended by repealing section three hundred and twenty-six, and substituting the following section:

“326. Without limiting the generality of the power conferred on the Supreme Court by section three hundred and twenty-five of this Act, it is hereby declared that the Court may—

“(a) In the case of any appeal against conviction, confirm the conviction or set it aside:

“(b) In the case of any appeal against sentence, confirm the sentence, or quash it and pass such other sentence warranted in law (whether more or less severe) in substitution therefor as the Court thinks ought to have been passed, or vary, within the limits warranted in law, the sentence or any part of it or any condition imposed in it:

“(c) In the case of any appeal against an order, confirm the order, or set it aside, or quash it and make such other order warranted in law (whether more or less severe) in substitution therefor as the Court thinks ought to have been made, or vary, within the limits warranted in law, the order or any part of it or any condition imposed in it:

“(d) In the case of any appeal against the amount of any sum ordered to be paid, confirm the amount, or increase or reduce it within the limits warranted in law:

“(e) In any case, exercise any power that the Court whose decision is appealed against might have exercised.”

### EXPLANATORY NOTE

*Clause 5:* This clause substitutes a new section for section 326 of the principal Act, dealing with the powers of the Supreme Court on the hearing of an appeal against a conviction, sentence, or order of a Magistrate's Court. The new section makes it clear that the Supreme Court may quash any sentence or order appealed against, and substitute any other sentence or order, whether more or less severe. In this respect, it gives the Court the same power as the Court of Appeal has, under section 4 (3) of the Criminal Appeal Act 1945, on appeals against sentences or orders of the Supreme Court.

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