

23 GEO. V. No. 7, 1932. *Justices Acts and Real Property Fees Act.*

JUSTICES.

- (1) *Justices Acts and Real Property Fees Act of 1932* .. .. . 23 Geo. V. No. 7
- (2) *Justices Acts Amendment Act of 1932* .. 23 Geo. V. No. 8

**An Act to Repeal "The Petty Sessions Fees Act of 1833," and to Amend "The Justices Acts, 1886 to 1929," and "The Real Property Acts, 1861 to 1887," in certain particulars.**

23 Geo. V.  
No. 7.  
THE  
JUSTICES  
ACTS AND  
REAL  
PROPERTY  
FEES ACT  
OF 1932.

[ASSENTED TO 22ND SEPTEMBER, 1932.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—PRELIMINARY.

PART I.—  
PRELIMINARY.  
Short title.

1. This Act may be cited as "*The Justices Acts and Real Property Fees Act of 1932.*"

2. This Act shall be divided into Parts, as follows:—

Parts of Act.

PART I.—PRELIMINARY ;

PART II.—REPEAL OF \*"THE PETTY SESSIONS FEES ACT OF 1833" AND AMENDMENT OF †"THE JUSTICES ACTS, 1886 TO 1929";

PART III.—AMENDMENT OF ‡"THE REAL PROPERTY ACTS, 1861 TO 1887";

PART IV.—GENERAL.

PART II.—  
REPEAL OF  
"THE PETTY  
SESSIONS  
FEES ACT OF  
1833" AND  
AMENDMENT  
OF "THE  
JUSTICES  
ACTS, 1886  
TO 1929."

PART II.—REPEAL OF \*"THE PETTY SESSIONS FEES ACT OF 1833" AND AMENDMENT OF †"THE JUSTICES ACTS, 1886 TO 1929."

3. On the issue of an \*Order in Council pursuant to section two hundred and sixty-six of †"*The Justices Acts, 1886 to 1929,*" as inserted by §"*The Justices Acts and Real Property Fees Act of 1932,*" \*"*The Petty Sessions Fees Act of 1833*" shall be repealed.

Repeal of  
"*The Petty  
Sessions  
Fees Act of  
1833.*"

\* 4 Wm. IV. No. 5, *supra*, page 1193. (See new Schedule of Fees as from 1st October, 1932.—(Order in Council dated 23rd September, 1932, *Gazette*, 24th September, 1932, page 1034); "*The Petty Sessions Fees Act of 1833*" repealed by this Order in Council, *q.v.*). See, *infra*, page 14464.

† 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.* (See Alphabetical Table).

‡ 25 Vic. No. 14 and amending Acts, *supra*, pages 2984 *et seq.* (See Alphabetical Table).

§ 23 Geo. V. No 7 (this Act).

PART II.—  
 REPEAL OF  
 "THE PETTY  
 SESSIONS  
 FEES ACT  
 OF 1833" AND  
 AMENDMENT  
 OF "THE  
 JUSTICES  
 ACTS, 1886  
 TO 1929."  
 Amendment  
 of s. 1 of the  
 Justices  
 Acts.

*Justices Acts and Real Property Fees Act.* 23 GEO. V. No. 7,

4. In section one of \**"The Justices Acts, 1886 to 1929,"* after the words "PART X.—PROTECTION OF JUSTICES IN THE EXECUTION OF THEIR OFFICE," the following words are inserted:—"PART XI.—FEES OF COURT."

5. The following new Part XI. and new section two hundred and sixty-six are added to \**"The Justices Acts, 1886 to 1929,"* as follows:—

"PART XI.—FEES OF COURT.

Part XI.,  
 s. 266, Fees  
 of Court.

[266.] (1.) Notwithstanding anything in this Act contained, the Governor in Council shall from time to time by †Order in Council published in the *Gazette*, prescribe the fees of Court that shall be paid to and received by the clerk of petty sessions in and for such purposes as may be so prescribed.

Such fees as so prescribed may be by way of increase of any of the fees payable under †*"The Petty Sessions Fees Act of 1833"* or any other Act, and payable at the passing of ‡*"The Justices Acts and Real Property Fees Act of 1932,"* and may be prescribed for other purposes in addition to the purposes as prescribed at the passing of such lastmentioned Act :

Provided that the Governor in Council may by any subsequent Order in Council reduce all or any of the fees prescribed in any Order in Council made under the provisions of this section.

All such fees shall be transmitted to and paid to the Treasurer of the State of Queensland by such clerk of petty sessions to be appropriated and applied to the public use of the said State.

Clerks not to  
 demand a  
 larger fee  
 than  
 specified.

(2.) If at any time hereafter any clerk of petty sessions shall under pretence of any matter or thing done or transacted or performed by such person as clerk demand or receive any other or greater fee than as for

\* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.* (See Alphabetical Table).

† 4 Wm. IV. No. 5 *supra*, page 1193. (See new Schedule of Fees as from 1st October, 1932.—(Order in Council dated 23rd September, 1932, *Gazette*, 24th September, 1932. page 1034); "*The Petty Sessions Fees Act of 1833*" repealed by this Order in Council, *q.v.*) See, *infra*, page 14464.

‡ 23 Geo. V. No. 7 (this Act).

1932. *Justices Acts and Real Property Fees Act.*

PART II.—  
REPEAL OF  
“THE PETTY  
SESSIONS  
FEES ACT OF  
1833” AND  
AMENDMENT  
OF “THE  
JUSTICES  
ACTS, 1886  
TO 1929.”

the time being shall be prescribed, he shall for every such offence be liable to a penalty not exceeding five pounds, to be recovered in a summary way.

(3.) \**“The Justices Acts, 1886 to 1929,”* as amended by this Part of this Act, may collectively be cited as *“The Justices Acts, 1886 to 1932.”* ”

Consolidated  
title of the  
Justices  
Acts.

PART III.—AMENDMENT OF “THE REAL PROPERTY ACTS, 1861 TO 1887.”

PART III.—  
AMENDMENT  
OF “THE  
REAL  
PROPERTY  
ACTS, 1861 TO  
1887.”

6. This Part shall be read as one with †*“The Real Property Acts, 1861 to 1887.”*

Construc-  
tion of  
Part X.

7. Section one hundred and forty of the ‡*“Real Property Act of 1861”* is repealed, and the following section is inserted in lieu thereof:—

Repeal of  
s. 140 of  
the “*Real  
Property Act  
of 1861.*”

“[140.] For the purposes of †*“The Real Property Acts, 1861 to 1887,”* and any Act amending the same, it shall be lawful for the Registrar of Titles to charge and recover such fees as shall from time to time be prescribed by the Governor in Council by §Order in Council published in the *Gazette* in and for such purposes as may be prescribed :

Fees to be  
charged.

Provided that until otherwise so prescribed, the fees specified in the list marked R in the Schedule hereto, together with any amendments thereof or additions thereto which shall have been made up to the passing of ||*“The Justices Acts and Real Property Fees Act of 1932,”* being the scale of fees in force at the passing of such lastmentioned Act (and which scale is dated the sixth day of May, one thousand nine hundred and twenty-one, and published in the *Gazette* of the seventh day of May, one thousand nine hundred and twenty-one, at page one thousand four hundred and seventy-six) shall be the fees so chargeable and recoverable :

\* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.* (See Alphabetical Table).

† 25 Vic. No. 14 and amending Acts, *supra*, pages 2984 *et seq.* (See Alphabetical Table)

‡ 25 Vic. No. 14, *supra*, page 2984.

§ See Order in Council of 23rd September, 1932, promulgating new Schedule of Fees as from 1st October, 1932. (*Gazette*, 24th September, 1932, page 1033.) See, *infra*, page 14465.

|| 23 Geo. V. No. 7 (this Act).

PART III.—  
AMENDMENT  
OF "THE  
REAL  
PROPERTY  
ACTS, 1861 TO  
1887."

*Justices Acts Amendment Act.* 23 GEO. V. No. 8,

Provided further that the Governor in Council may by Order in Council amend such scale of fees, being the scale of fees in force at the passing of \*"*The Justices Acts and Real Property Fees Act of 1932*," by amending (whether by increase or otherwise) all or any of such fees, and by the addition of further fees for such other purposes as may be prescribed, and for fixing any new basis or bases of calculation in respect of any fee or fees, existing or prospective :

Provided always that the Governor in Council may by any subsequent Order in Council reduce all or any of the fees prescribed in any Order in Council made under the provisions of this section."

PART IV.—GENERAL.

PART IV.—  
GENERAL.  
Orders in  
Council and  
Regulations  
to be of  
equal  
validity as  
the Act.

8. Any Order in Council made or purporting to be made under the provisions of this Act shall on publication in the *Gazette* be read as one with the particular Act concerned, and shall be judicially noticed and construed as being of equal validity with such Act and shall not be challenged in any proceedings whatsoever.

All such Orders in Council shall be laid before the Legislative Assembly within fourteen days after such publication if the Legislative Assembly is in session; or if not, then within fourteen days after the commencement of the next session thereof.

23 Geo. V.  
No. 8.

**An Act to Amend "The Justices Acts, 1886 to 1929,"  
in a certain particular.**

THE  
JUSTICES  
ACTS

[ASSENTED TO 22ND SEPTEMBER, 1932.]

AMENDMENT  
ACT OF 1932.

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title  
and  
construction.

1. This Act may be cited as "*The Justices Acts Amendment Act of 1932*," and shall be read as one with † "*The Justices Acts, 1886 to 1929*," herein referred to as the Principal Act.

\* 23 Geo. V. No. 7 (this Act).

† 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*