

12 GEO. VI. No. 48, 1948. *Criminal Law Amendment Act.*

**CRIMINAL LAW.**

**An Act to Amend "The Criminal Code" and "The Vagrants, Gaming, and Other Offences Acts, 1931 to 1946," each in certain particulars.**

12 GEO. VI.  
No. 48.  
THE  
CRIMINAL  
LAW  
AMENDMENT  
ACT OF 1948.

[ASSENTED TO 9TH DECEMBER, 1948.]

**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.**

1. This Act may be cited as "*The Criminal Law Amendment Act of 1948.*"

Short title  
and  
construction.

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

Parts of  
Act.

**PART I.—PRELIMINARY ;**

**PART II.—AMENDMENTS OF \*"THE CRIMINAL CODE" ;**

**PART III.—AMENDMENTS OF †"THE VAGRANTS, GAMING, AND OTHER OFFENCES ACTS, 1931 TO 1946."**

**PART II.—  
AMENDMENTS  
OF "THE  
CRIMINAL  
CODE."**

**PART II.—AMENDMENTS OF \*"THE CRIMINAL CODE."**

3. This Part of this Act shall be read as one with \*"*The Criminal Code.*"

Construction  
of Part II.

4. Section nineteen of \*"*The Criminal Code*" is amended as follows:—

Amendment  
of s. 19.

(a) The following proviso is added to subsection seven thereof, namely:—

"Provided that whenever the Court shall sentence any person so convicted to a term of imprisonment, it may further order that the offender be imprisoned for such portion of that term as it shall think fit and that the execution of the sentence for the remaining portion thereof be suspended upon his entering into a recognizance, with sureties if so directed, as aforesaid but further conditioned that, if called upon, he shall appear and receive judgment in respect of his service of the portion of

\* 63 V. No. 9, Sch. I, and amending Acts.

† 22 G. 5 No. 27 and amending Acts.

his sentence so suspended, and any Judge of the Court may, upon being satisfied that the offender has committed a breach of any of the conditions of the recognizance, forfeit the recognizance and commit him to prison to undergo the portion of his sentence so suspended or any part thereof."

Amendment of s. 19 (9). (b) Subsection nine thereof is amended by adding after the words "when called upon" the words "within a period specified by the Court or Justices and, if the Court or Justices think fit, that he shall in the meantime keep the peace and be of good behaviour."

Amendment of s. 20. 5. In the second paragraph of section twenty of \**The Criminal Code* the words "from the first day of the Sittings of the Court at which the offender is convicted" are repealed and the words "from the day the Court passes sentence upon the offender" are inserted in lieu thereof.

Amendment of s. 328. 6. The following paragraph is added to section three hundred and twenty-eight of \**The Criminal Code*, namely:—  
"The offender may be arrested without warrant."

Amendment of s. 328A. 7. Section 328A of \**The Criminal Code* is amended by repealing paragraph (a) thereof and by inserting in lieu thereof the following paragraph, namely:—  
"(a) On summary conviction to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment."

Repeal of and new s. 328B. 8. Section 328B of \**The Criminal Code* is repealed and the following section is inserted in lieu thereof, namely:—

Additional power to convict for reckless or dangerous driving. "[328B.] Upon an indictment charging a person with any offence in connection with or arising out of the driving of a motor vehicle by him (not being an offence defined in section 328A of this Code) he may be convicted of any of the offences defined in section 328A of this Code if any such offence is established by the evidence.

The provisions of this section shall apply notwithstanding the provisions of section five hundred and seventy-six of this Code."

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AMENDMENTS  
OF “THE  
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CODE.”

9. Section 328c of \**“The Criminal Code”* is repealed and the following section is inserted in lieu thereof, namely :—

Repeal of  
and new  
s. 328c.

“ [328c.] Where a person is convicted upon indictment of any offence in connection with or arising out of the driving of a motor vehicle by him, the Court, in addition to any sentence it may pass, may order and direct that the offender shall, from the date of conviction, be disqualified absolutely from holding or obtaining a certificate of competency to operate a motor vehicle or be so disqualified for such period as the Court shall specify in its order and a copy of such order shall be transmitted by the registrar of the Court to the Commissioner of Police.

Cancellation  
of certificate  
of  
competency  
to operate  
motor  
vehicle.

For the purposes of this section the term “ certificate of competency ” also includes any driving license or driving permit deemed to be equivalent in Queensland to and accepted in lieu of a certificate of competency for the purpose of authorising the holder thereof to drive in Queensland any vehicle of the type or class to the driving of which the said driving license or driving permit is applicable.”

10. Section four hundred and sixty-one of \**“The Criminal Code”* is amended by inserting after paragraph (d) thereof the following paragraph, namely :—

Amendment  
of s. 461.

“ (e) Any aircraft or motor vehicle.”

11. Section six hundred and fifty of \**“The Criminal Code”* is amended as follows :—

Amend-  
ments of  
s. 650.

(a) The words “ by notice in the prescribed form ” are added after the words “ when called upon ” where such lastmentioned words appear in the first and second paragraphs thereof.

(b) The following paragraph is inserted after the third paragraph thereof, namely :—

“ If an offender (including any offender called upon by notice in the prescribed form to appear and receive judgment in respect of a portion of his sentence suspended under any provision of this Code) does not appear at the required time and place any Judge of the Court may estreat the offender’s recognizance and the recognizance of his bail, if any, and such Judge may issue a warrant to

\* 63 V. No. 9, Sch. I., and amending Acts.

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arrest the said offender and to bring him before a Judge of the Court and thereupon such offender may be arrested and brought before the Supreme Court or any Circuit Court.”

Amendment  
of s. 656 (2A).

12. In subsection 2A of section six hundred and fifty six of \**“The Criminal Code”* the words “Notwithstanding anything to the contrary contained herein the Court may, if it thinks fit, after passing the sentence upon the offender in the usual form” are repealed, and the words “The Court may, if it thinks fit, instead of proceeding as provided in subsection two hereof” are inserted in lieu thereof.

PART III.—  
AMENDMENT  
OF “THE  
VAGRANTS,  
GAMING, AND  
OTHER  
OFFENCES  
ACTS, 1931 TO  
1946.”

PART III.—AMENDMENT OF †*“THE VAGRANTS, GAMING, AND OTHER OFFENCES ACTS, 1931 TO 1946.”*

Construction  
of Part III.

13. This Part of this Act shall be read as one with †*“The Vagrants, Gaming, and Other Offences Acts, 1931 to 1946,”* and that Act and this Part of this Act may be collectively cited as *“The Vagrants, Gaming, and Other Offences Acts, 1931 to 1948.”*

Amendment  
of s. 25.

14. Section twenty-five of †*“The Vagrants, Gaming, and Other Offences Acts, 1931 to 1946,”* is amended by adding to the said section the following subsection:—

“(3.) In this section the term “anything whatsoever” includes every thing animate or inanimate capable of being the subject of ownership whether the owner of such thing is known or not and which thing is a thing capable of being stolen or would if the owner were known be a thing capable of being stolen.”

\* 63 V. No. 9, Sch. I., and amending Acts.

† 22 G. 5 No. 27 and amending Acts.

## DENTISTS.

See MEDICINE AND PHARMACY.

## DISEASES IN PLANTS.

See AGRICULTURE.

## DISEASES IN STOCK.

See STOCK.