
SERVICE AND EXECUTION OF PROCESS.

No. 5 of 1905.

An Act to amend the Service and Execution
of Process Act 1901.

[Assented to 25th August, 1905.]

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows :—

Short title and
incorporation.

1. This Act may be cited as the *Service and Execution of Process Act* 1905, and this Act and the *Service and Execution of Process Act* 1901 shall be read together, and may together be cited as the Service and Execution of Process Acts 1901–1905.

2. Section eighteen of the *Service and Execution of Process Act* 1901 is hereby amended by adding at the end thereof the following sub-section :—

Provisional
warrant.
Cf. 44-5 Vict.
c. 69 s. 16.^a

“(5.) Any Justice of the Peace, having jurisdiction in the State or part in which the person against whom the warrant was issued is or is supposed to be, may, before the indorsement of the warrant, issue a provisional warrant for the apprehension of that person, on such information and under such circumstances as would in his opinion justify the issue of a warrant if the offence of which that person is accused were an offence punishable by the law of that State or part, and had been committed within his jurisdiction ; and the provisional warrant may be executed accordingly. .

“Provided that a person arrested under a provisional warrant shall be discharged unless the original warrant is produced and indorsed within a reasonable time.”