

**NORTHERN TERRITORY OF AUSTRALIA**

**JUSTICES OF THE PEACE ACT 1991**

As in force at 21 April 2023

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 21 April 2023

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## JUSTICES OF THE PEACE ACT 1991

**An act to consolidate legislation in relation to the office of justice of the peace**

### **1 Short title**

This Act may be cited as the *Justices of the Peace Act 1991*.

### **2 Commencement**

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

### **3 Definitions**

In this Act, unless the contrary intention appears:

***clerk of the peace*** means the person appointed under section 13 to be the clerk of the peace.

***justice of the peace*** means a person appointed under section 5 to be, or a person who by virtue of holding office in accordance with section 6 is, a justice of the peace.

### **4 Office of justice of the peace**

There shall be an office of justice of the peace.

### **5 Appointment of justice of the peace**

- (1) The Administrator may appoint to the office of justice of the peace as many persons as are necessary to carry out the functions of justices of the peace in the Territory.
- (2) An appointment under subsection (1) may be:
  - (a) limited to a term of years; and
  - (b) conditional on the person appointed residing in a particular locality.

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**6 Certain office holders to be justices of the peace**

- (1) A person who holds or acts in an office specified in Schedule 1 is, by virtue of holding or acting in the office, a justice of the peace.
- (2) A person referred to in subsection (1) ceases to hold office as a justice of the peace if:
  - (a) the person ceases to hold or act in an office specified in Schedule 1; or
  - (b) the person's appointment as justice of the peace is terminated under section 8(1).

**7 Oath of office**

- (1) A justice of the peace appointed under section 5 must, before proceeding to exercise the powers or discharge the duties of the office, take an oath in accordance with Schedule 2.
- (2) Where a justice of the peace has once taken an oath, it is not necessary for him or her to take an oath or make an affirmation for the purpose of a subsequent appointment.

**8 Termination, &c.**

- (1) The Administrator may, by notice in the *Gazette*, terminate the appointment of a person as a justice of the peace.
- (2) A person whose appointment is terminated ceases to be a justice of the peace on the day specified in the notice published under subsection (1).
- (3) A justice of the peace may, at any time, resign from the office of justice of the peace by writing addressed to the clerk of the peace.

**9 Vacation of office**

Subject to section 6, a person ceases to hold office as a justice of the peace if:

- (a) in accordance with section 8(1), the Administrator terminates the appointment;
- (b) he or she has resigned under section 8(3);
- (c) the appointment was subject to a condition and the condition ceases to be fulfilled; or
- (d) the appointment was for a specified period which has expired.

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**10 Protection of justices of the peace**

A justice of the peace has, in the performance of his or her judicial duties as a justice of the peace, the same protection and immunity as a Local Court Judge has in the performance of his or her duties as a Local Court Judge.

**11 Authority of justices of the peace**

- (1) A justice of the peace is entitled to use the title "Justice of the Peace" or "JP".
- (2) A justice of the peace may exercise any power conferred on a justice of the peace by the common law or this or any other Act, including an Act of the Commonwealth, a State or Territory of the Commonwealth or another country (whether enacted before or after the commencement of this Act).
- (3) A justice of the peace may:
  - (a) administer an oath; and
  - (b) witness an affidavit; and
  - (c) for the purpose of a law in force in the Territory, attest the execution of a document.

**12 References to justices of the peace**

Where by, under or for the purposes of a law in force in the Territory a power is conferred on, or a function or duty may be performed by, a justice of the peace, that power may be exercised, or the function or duty may be performed, outside the Territory by a person who is a justice of the peace, or a judge for the place in which it is exercised or performed.

**13 Clerk of the peace**

- (1) The Departmental Head of the department primarily responsible for the administration of this Act shall appoint a person to be the clerk of the peace.
- (2) The clerk of the peace shall maintain a roll of justices of the peace.
- (3) Within 28 days after changing his or her address, a justice of the peace shall, in writing, notify the clerk of the peace of the change of address and the clerk of the peace shall amend the roll accordingly.

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**14 Transitional**

- (1) An appointment of a person as a justice of the peace:
- (a) under section 10(1) of the *Justices Act 1928*; or
  - (b) under section 10(3) of that Act, that is continued in force under section 6 of the *Transfer of Powers (Further Provisions) Act 1977*,

that is in force immediately before the commencement of this Act continues in force as if the appointment was made under this Act and expressed to be for a period of 5 years after that commencement.

- (2) An appointment under section 10(1) of the *Justices Act 1928* of a person that is subject to a condition under section 10(3) of that Act in force immediately before the commencement of this Act continues in force, subject to the conditions expressed in the appointment, as if the appointment was made under this Act.
- (3) A reference to a justice of the peace (however described) shall be read as a reference to a justice of the peace appointed or holding office as a justice of the peace under this Act.
- (4) Where a justice of the peace has taken an oath or made an affirmation of office required under a provision repealed by this Act, it is not necessary for him or her to take an oath or make an affirmation for the purpose of section 7 of this Act.

**Schedule 1**

section 6

Supreme Court Judge

Associate Judge

Registrar of the Supreme Court

Local Court Judge

Registrar of the Local Court

Judicial Registrar or Registrar of the Family Court of Australia

Mayor of a municipality

## Schedule 2

section 7

### OATH

I, \_\_\_\_\_, *[promise/swear etc. as required by Oaths, Affidavits and Declarations Act 2010]* that I will well and truly serve *[Sovereign's name]*, their heirs and successors, in the office of justice of the peace and that I will do right to all manner of people according to law, without fear or favour, affection or ill-will. *[So help me God! or as appropriate]*



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**ENDNOTES**
**1 KEY**

Key to abbreviations

amd = amended  
 app = appendix  
 bl = by-law  
 ch = Chapter  
 cl = clause  
 div = Division  
 exp = expires/expired  
 f = forms  
 Gaz = Gazette  
 hdg = heading  
 ins = inserted  
 It = long title  
 nc = not commenced

od = order  
 om = omitted  
 pt = Part  
 r = regulation/rule  
 rem = remainder  
 renum = renumbered  
 rep = repealed  
 s = section  
 sch = Schedule  
 sdiv = Subdivision  
 SL = Subordinate Legislation  
 sub = substituted

**2 LIST OF LEGISLATION*****Justices of the Peace Act 1991 (Act No. 42, 1991)***

Assent date 26 September 1991  
 Commenced 1 January 1992 (*Gaz* G50, 18 December 1991, p 3)

***Statute Law Revision Act 1993 (Act No. 6, 1993)***

Assent date 18 March 1993  
 Commenced 18 March 1993

***Statute Law Revision Act 1997 (Act No. 17, 1997)***

Assent date 11 April 1997  
 Commenced 1 May 1997 (*Gaz* G17, 30 April 1997, p 2)

***Oaths, Affidavits and Declarations (Consequential Amendments) Act 2010 (Act No. 40, 2010)***

Assent date 18 November 2010  
 Commenced 1 March 2011 (s 2, s 2 *Oaths, Affidavits and Declarations Act 2010* (Act No. 39, 2010) and *Gaz* G7, 16 February 2011, p 4)

***Local Court (Related Amendments) Act 2016 (Act No. 8, 2016)***

Assent date 6 April 2016  
 Commenced 1 May 2016 (s 2, s 2 *Local Court (Repeals and Related Amendments) Act 2016* (Act No. 9, 2016) and *Gaz* S34, 29 April 2016)

***Supreme Court Amendment (Associate Judges) Act 2017 (Act No. 18, 2017)***

Assent date 5 September 2017  
 Commenced 22 November 2017 (*Gaz* S84, 21 November 2017, p 1)

***Statute Law Amendment (Succession of the Crown) Act 2023 (Act No. 10, 2023)***

Assent date 20 April 2023  
 Commenced 21 April 2023 (s 2)

**3** **GENERAL AMENDMENTS**

General amendments of a formal nature (which are not referred to in the table of amendments to this reprint) are made by the *Interpretation Legislation Amendment Act 2018* (Act No. 22, 2018) to: ss 1 and 14 and Sch 2.

**4** **LIST OF AMENDMENTS**

s 7	amd No. 17, 1997, s 13; No. 40, 2010, s 118
s 11	amd No. 40, 2010, s 118
sch 1	amd No. 6, 1993, s 8; No. 8, 2016, s 45; No. 18, 2017, s 36
sch 2	amd No. 40, 2010, s 118; No. 10, 2023, s 5