

NORTHERN TERRITORY OF AUSTRALIA  
MAGISTRATES AMENDMENT ACT 2005

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Act No. 36 of 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 36 of 2005

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## AN ACT

to amend the *Magistrates Act*

[Assented to 22 November 2005]

[Second reading 17 August 2005]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Magistrates Amendment Act 2005*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act amended**

This Act amends the *Magistrates Act*.

**4. Amendment of section 3 (Definitions)**

Section 3 –

*insert (in alphabetical order)*

"eligible person" means a person eligible under section 5 for appointment as a Magistrate;

**5. Amendment of section 4 (Chief Magistrate, Deputy Chief Magistrate and Stipendiary Magistrate)**

Section 4(3) –

*omit, substitute*

(3) The Administrator may appoint an eligible person to hold an office referred to in subsection (1).

**6. Amendment of section 5 (Eligibility for appointment)**

Section 5 –

*omit*

A person is not eligible for appointment under section 4(3) unless –

*substitute*

A person is eligible for appointment as a Magistrate if –

**7. Amendment of section 9 (Acting Magistrates)**

(1) Section 9(2) –

*omit*

a person who is eligible for appointment under section 4(3)

*substitute*

an eligible person

(2) After section 9(2) –

*insert*

(2A) However, a person who has attained the age of 70 years must not be appointed to act as a Stipendiary Magistrate.

(3) After section 9(3) –

*insert*

(3A) In addition, a person who has attained the age of 70 years must not continue to act as a Stipendiary Magistrate.

**8. Amendment of section 9A (Relieving Magistrate)**

(1) Section 9A(1) –

*omit*

a person who is eligible for appointment under section 4(3)

*substitute*

an eligible person

(2) After section 9A(1) –

*insert*

(1A) However, a person who has attained the age of 70 years must not be appointed to be a Relieving Magistrate.

(3) After section 9A(4) –

*insert*

(4A) Despite subsection (4), a Relieving Magistrate ceases to hold office on attaining the age of 70 years.

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