

09/73

SUPREME COURT OF VICTORIA — COURT OF CRIMINAL APPEAL

CLIFFORD v WADE

Winneke CJ, Adam and Crockett JJ

17 April 1973

MOTOR TRAFFIC – SPEEDING – DEFENDANT FOUND GUILTY OF THE CHARGE AND CONVICTED AND FINED – NO ORDER MADE IN RELATION TO HIS DRIVER LICENCE – LEGISLATION DID NOT REQUIRE MAGISTRATE TO MAKE AN ORDER AGAINST THE DEFENDANT'S DRIVER LICENCE – ORDER NISI SOUGHT TO ATTACK THE IMPOSITION OF THE CONVICTION AND FINE – ORDER NISI NOT DIRECTED AT THE FAILURE TO MAKE AN ORDER IN RELATION TO THE DRIVER LICENCE – NO POWER IN THE APPEAL COURT TO EXTEND THE TERMS OF THE ORDER NISI – ORDER DISCHARGED WITH RELUCTANCE ON PROCEDURAL GROUNDS: *MOTOR CAR ACT* 1958, S26; *ROAD TRAFFIC REGULATIONS* 1962, Cl 1001(1)(C); *JUSTICES ACT* 1958, S3(1).

[Ed Note: The matters discussed by the Court of Criminal Appeal and the Court's conclusions in this appeal are not relevant to the Magistrates' Court]
