

New Zealand.

ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

No. 7.

AN ACT to consolidate and amend the Statute Law relating to Accessories to and Abettors of Indictable Offences. Title. [10th October 1867.]

WHEREAS it is expedient to consolidate and amend the statute law relating to accessories to and abettors of indictable offences Preamble.

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows

AS TO ACCESSORIES BEFORE THE FACT.

1. Whosoever shall become an accessory before the fact to any felony whether the same be a felony at common law or by virtue of any Act passed or to be passed may be indicted tried convicted and punished in all respects as if he were a principal felon. Accessories before fact may be tried and punished as principals 24 and 25 Vict. c. 94 s. 1.

2. Whosoever shall counsel procure or command any other person to commit any felony whether the same be a felony at common law or by virtue of any Act passed or to be passed shall be guilty of felony and may be indicted and convicted either as an accessory before the fact to the principal felony together with the principal felon or after the conviction of the principal felon or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice and may thereupon be punished in the same manner as any accessory before the fact to the same felony if convicted as an accessory may be punished. Accessories before fact may be indicted as such or as substantive felons. Ib. s. 2.

AS TO ACCESSORIES AFTER THE FACT.

3. Whosoever shall become an accessory after the fact to any felony whether the same be a felony at common law or by virtue of any Act passed or to be passed may be indicted and convicted either as an accessory after the fact to the principal felony together with the principal felon or after the conviction of the principal felon or may be indicted and convicted of a substantive felony whether the principal felon shall or shall not have been previously convicted or shall or shall not be amenable to justice and may thereupon be punished in like manner as any accessory after the fact to the same felony if convicted as an accessory may be punished. Accessories after the fact may be indicted as such or as substantive felons. Ib. s. 3.

4. Every accessory after the fact to any felony (except where it is otherwise specially enacted) whether the same be a felony at common law or by virtue of any Act passed or to be passed shall be liable at the discretion of the Court to be imprisoned in any public gaol for any term not exceeding two years with or without hard labour and it shall Punishment of accessories after the fact. Ib. s. 4.

Accessories.

be lawful for the Court if it shall think fit to require the offender to enter into his own recognizances and to find sureties both or either for keeping the peace in addition to such punishment Provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

AS TO ACCESSORIES GENERALLY.

Prosecution of accessory after principal has been convicted but not attainted.
24 and 25 Vict. c. 94 s. 5.

5. If any principal offender shall be in anywise convicted of any felony it shall be lawful to proceed against any accessory either before or after the fact in the same manner as if such principal felon had been attainted thereof notwithstanding such principal felon shall die or be pardoned or otherwise delivered before attainder and every such accessory shall upon conviction suffer the same punishment as he would have suffered if the principal had been attainted.

Several accessories may be included in same indictment although principal felon not included.

Ib. s. 6.

6. Any number of accessories at different times to any felony and any number of receivers at different times of property stolen at one time may be charged with substantive felonies in the same indictment and may be tried together notwithstanding the principal felon shall not be included in the same indictment or shall not be in custody or amenable to justice.

Trial of accessories.

Ib. s. 7.

7. Where any felony shall have been wholly committed within the Colony the offence of any person who shall be an accessory either before or after the fact to any such felony may be dealt with inquired of tried determined and punished by any Court which shall have jurisdiction to try the principal felony or any felonies committed in any district jurisdiction or place in which the act by reason whereof such person shall have become such accessory shall have been committed and in every other case the offence of any person who shall be an accessory either before or after the fact to any felony may be dealt with inquired of tried determined and punished by any Court which shall have jurisdiction to try the principal felony or any felonies committed in any district jurisdiction or place in which such person shall be apprehended or be in custody whether the principal felony shall have been committed on the sea or on the land or begun on the sea and completed on the land or begun on the land and completed on the sea and whether within the Colony or without or partly within the Colony and partly without Provided that no person who shall be once duly tried either as an accessory before or after the fact or for a substantive felony under the provisions hereinbefore contained shall be liable to be afterwards prosecuted for the same offence.

AS TO ABETTORS IN MISDEMEANOURS.

Abettors in misdemeanours.

Ib. s. 8.

8. Whosoever shall aid abet counsel or procure the commission of any misdemeanour whether the same be a misdemeanour at common law or by virtue of any Act passed or to be passed shall be liable to be tried indicted and punished as a principal offender.

Short Title.

9. The Short Title of this Act shall be "The Accessories Act 1867."

Commencement of Act.

10. This Act shall commence and take effect on the first day of November one thousand eight hundred and sixty-seven.