

New Zealand.



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1926, No. 7.

Title.

AN ACT to amend the Justices of the Peace Act, 1908.

[23rd August, 1926.]

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

Short Title.

1. This Act may be cited as the Justices of the Peace Amendment Act, 1926, and shall be read together with and deemed part of the Justices of the Peace Act, 1908 (hereinafter referred to as the principal Act).

Women may be appointed Justices of the Peace.

2. A woman shall not be disqualified by sex or marriage from being appointed to be, or from being by virtue of her holding any office, a Justice of the Peace.

Criminal Record Book.

3. (1.) If the Justices hearing any information convict the defendant, a minute or memorandum of such conviction shall be made in a register, in the form in the Schedule hereto, to be called the Criminal Record Book, and shall be signed by such Justices.

(2.) Every such register, or any extract therefrom certified to be a true extract by the Clerk of the Court keeping the same, shall be sufficient evidence in any Court to prove such conviction.

(3.) The conviction shall afterwards, when it becomes necessary, be drawn up by the Justices in the form No. 10 or No. 11 in the

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Second Schedule to the principal Act, and they shall cause the same to be lodged with the Registrar of the Supreme Court to be filed by him.

(4.) This section is in substitution for section seventy-four of the principal Act, and that section is hereby accordingly repealed. Repeal.

4. Subsection one of section one hundred and forty-four of the principal Act is hereby amended by omitting the words "for such time as the Justices in their discretion deem reasonable, not exceeding eight clear days"; and by adding the words "Except with the consent of the party accused and of the prosecutor, no such remand shall be for a longer period than eight days." Extending period for which person accused of indictable offence may be remanded by Justices.

5. (1.) Section one hundred and forty-eight of the principal Act is hereby repealed, and the following section substituted therefor:— Repeal.

"148. (1.) When the examination of the witnesses on the part of the prosecution has been completed the Justices before whom such examination was so completed shall, if the accused so desires, and without requiring the attendance of witnesses, read or cause to be read to the accused the depositions taken against him." Accused to be cautioned and allowed to make statement or give evidence on oath.

"(2.) In every case where the accused is not defended by a barrister or by a solicitor the Justices shall cause the following caution, or words to the like effect, to be addressed to him:—

"Having heard the evidence against you, do you wish to say anything in answer to the charge by way of evidence on oath or otherwise? If you give evidence on oath you may be cross-examined. You are not obliged to say anything in answer to the charge, and if you refrain from doing so that fact will not be allowed to be the subject of any comment. Further, you are clearly to understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been held out to induce you to make any admission or confession of your guilt; but that whatever you now say will be taken down in writing and may be given in evidence against you upon your trial, notwithstanding such promise or threat."

"(3.) Nothing in the last preceding subsection shall be construed to prevent a person who makes answer to a charge otherwise than by way of evidence on oath from thereafter during the proceeding making answer by way of evidence on oath."

(2.) Section ten of the Justices of the Peace Amendment Act, 1923, is hereby repealed. Repeal.

6. Where in any proceeding before Justices in respect of an indictable offence any person charged with such offence refrains from saying anything in answer to the charge either by way of unsworn statement or by evidence on oath no comment adverse to him shall be allowed to be made thereon In proceeding before Justices in respect of indictable offences no comment to be made on accused's refraining from answering the charge.

7. The power (in respect of the summary trial of indictable offences) conferred on Justices by section one hundred and eighty-three of the principal Act to sentence any person to pay a fine not exceeding fifty pounds instead of sentencing him to imprisonment is hereby extended to empower Justices to impose such a fine in all other cases triable by them in which the only penalty provided by law is imprisonment with or without hard labour. Discretion of Justices as to punishments in cases of indictable offences triable summarily extended to all other offences triable summarily.

Extension of powers of Supreme Court on appeals from Justices.

Section 206 of principal Act amended.

Person convicted of mischief may be ordered to pay compensation to owner of property destroyed or damaged.

Section 219 of principal Act amended.

Section 220 of principal Act amended.

Section 221 of principal Act amended.

Section 222 of principal Act amended.

Summons may be served by registered letter.

8. Section two of the Justices of the Peace Amendment Act, 1923, is hereby amended by adding the words "or to confirm, reverse, cancel, or modify any other penalty."

9. Section two hundred and six of the principal Act is hereby amended as follows:—

- (a.) By omitting the words "over and above the amount of the injury done" wherever they occur in that section:
- (b.) By omitting from paragraph (e) the words "one month's imprisonment," and substituting the words "fourteen days' imprisonment."

10. (1.) Where any person is convicted of the offence of mischief under section one hundred and seventy-nine or section two hundred and six or section two hundred and eight of the principal Act the convicting Magistrate or Justices may, in addition to imposing any penalty under those sections, order the person so convicted to pay to the owner of the property destroyed or damaged a sum not exceeding twenty pounds by way of compensation for such destruction or damage, and all moneys so ordered to be paid shall be recoverable in the same manner as fines are recoverable:

Provided that where any person is convicted under subparagraph (vi) of the said section two hundred and six no greater amount than five pounds shall be so ordered to be paid as compensation.

(2.) The making or enforcement of an order under the last preceding subsection shall not affect the right of the owner or of any other person to recover by civil action any damages in excess of the amount specified in the order.

11. Section two hundred and nineteen of the principal Act is hereby amended as follows:—

- (a.) By omitting the words "over and above the value of the object stolen if such object is" wherever they occur in that section, and in each case substituting the words "if the object stolen is":
- (b.) By omitting from paragraph (b) the words "one month's imprisonment," and substituting the words "fourteen days' imprisonment."

12. Section two hundred and twenty of the principal Act is hereby amended by omitting the words "over and above the value of the said articles."

13. Section two hundred and twenty-one of the principal Act is hereby amended by omitting the words "over and above the value of such thing; which shall, by order of the Justices, be delivered over to the rightful owner thereof," and substituting the words "On the conviction of any person the Justices shall order the thing in respect of which the offence was committed to be delivered over to the rightful owner thereof."

14. Section two hundred and twenty-two of the principal Act is hereby amended by omitting the words "over and above the value of the object stolen, if such object," and substituting the words "if the object stolen."

15. (1.) Notwithstanding anything to the contrary in section two hundred and fifty of the principal Act, a summons upon an information for a matter determinable summarily may be served by sending

it to the person to whom it is directed by registered letter addressed to him at his last known or most usual place of abode.

(2.) The production of a receipt for such letter given to a Post officer, and signed or purporting to be signed by the person to whom the letter was addressed or by any inmate of the said place of abode, shall be sufficient proof of such service.

16. Section two hundred and eighty-eight of the principal Act is hereby amended by inserting, after the word "*Gazette*," the words "or any member of either House of Parliament."

Section 288 of
principal Act
amended.

Section 288 of principal Act amended.

SCHEDULE.

Schedule.

CRIMINAL RECORD BOOK.

Record of Convictions in Summary Proceedings before Justices at

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