



Children, Young Persons, and Their Families Amendment Act 2004

Public Act 2004 No 39
Date of assent 19 May 2004
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Children, Young Persons, and Their Families Amendment Act 2004.
- (2) In this Act, the Children, Young Persons, and Their Families Act 1989 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 New section 434 substituted

The principal Act is amended by repealing section 434, and substituting the following section:

“434 Principal Youth Court Judge

- “(1) The Governor-General must, on the advice of the Attorney-General, appoint a Principal Youth Court Judge.

- “(2) The appointment must be for a period of 8 years, and the person is not eligible for reappointment as Principal Youth Court Judge.
- “(3) A person’s appointment as Principal Youth Court Judge ceases if he or she ceases to hold office as a District Court Judge.
- “(4) With the prior approval of the Governor-General, the Principal Youth Court Judge may resign that office but continue in office as a District Court Judge.
- “(5) To avoid doubt, a person does not cease to hold office as a District Court Judge solely because the term of the person’s appointment as Principal Youth Court Judge has come to an end.
- “(6) Despite subsection (2), the Principal Youth Court Judge continues in office until his or her successor comes into office.
- “(7) The Principal Youth Court Judge is responsible for ensuring the orderly and expeditious discharge of the business of the Court in consultation with the Chief District Court Judge.”

4 Section 434(2) not to apply to existing Principal Youth Court Judge

Nothing in section 434(2) of the principal Act, as substituted by section 3, applies to the person who, immediately before this Act came into force, held office as the Principal Youth Court Judge.

5 New section 435A inserted

The principal Act is amended by inserting, after section 435, the following section:

“435A Stationing of Judges and sittings of Courts

- “(1) Each Youth Court Judge must be stationed in the town, and must sit in the Court, that may from time to time be determined by the Principal Youth Court Judge.
- “(2) Despite subsection (1), the fact that a Youth Court Judge sits in any particular Court is conclusive evidence of the Judge’s authority to do so, and no exercise of any jurisdiction or power by a Youth Court Judge may be questioned on the ground that the Judge was not stationed in the town or authorised to sit in the Court where he or she exercised the jurisdiction or power.

- “(3) Sittings of a Youth Court for the dispatch of its business must be held on the days and times that may be appointed by the Judge exercising the jurisdiction of the Court at the place at which the sittings are held.
- “(4) However, the days appointed for regular sittings of a Youth Court are subject to the approval of the Principal Youth Court Judge.
- “(5) In exercising his or her powers under this section, the Principal Youth Court Judge must consult with the Chief District Court Judge.
- “(6) This section is subject to section 9 of the District Courts Act 1947.”

Legislative history

12 May 2004	Divided from Judicial Matters Bill (Bill 71–2) as Bill 71–3B
13 May 2004	Third reading
19 May 2004	Royal assent

This Act is administered in the Ministry of Social Development.
