



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Interpretation</p> <p>3. New heading and sections inserted</p> <p style="padding-left: 40px;"><i>Community Magistrates</i></p> <p>11A. Appointment of Community Magistrates</p> <p>11B. Right to hold other office and to engage in other employment</p> <p>11C. Functions and powers of Community Magistrates</p> <p>11D. Chief Community Magistrate</p>	<p>11E. Functions of Chief Community Magistrate</p> <p>11F. Tenure of office</p> <p>11G. Remuneration and allowances of Community Magistrates</p> <p>4. Place of sittings</p> <p>5. Times of sittings</p> <p>6. Persons who may take affidavits, etc</p> <p>7. Consequential amendments</p> <hr style="width: 10%; margin: 10px auto;"/> <p style="text-align: center;">SCHEDULE</p> <p style="text-align: center;">Enactments Amended</p>
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1998, No. 76

An Act to amend the District Courts Act 1947 for the purpose of providing for the appointment of judicial officers, to be known as Community Magistrates, and of specifying their jurisdiction, functions, and powers

[30 June 1998]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the District Courts Amendment Act 1998, and is part of the District Courts Act 1947 (“the principal Act”).

(2) This Act comes into force on the date on which this Act receives the Royal assent.

2. Interpretation—Section 2 (1) of the principal Act is amended by inserting, after the definition of the term “bailiff”, the following definition:

“‘Community Magistrate’ means a Community Magistrate appointed under section 11A; and includes the Chief Community Magistrate.”.

3. New heading and sections inserted—The principal Act is amended by inserting, after section 11, the following heading and sections:

“Community Magistrates

“11A. Appointment of Community Magistrates—(1) The Governor-General may from time to time, by warrant under the Governor-General’s hand and on the advice of the Minister of Justice, appoint to be Community Magistrates such of the persons qualified for appointment as the Governor-General, on the advice of the Minister, thinks fit.

“(2) A person is qualified for appointment as a Community Magistrate only if that person—

“(a) Is capable, by reason of that person’s personal qualities, experience, and skills, of performing the functions of a Community Magistrate; and

“(b) Has been designated, in accordance with a selection process prescribed by regulations made under section 123, as a person qualified for appointment as a Community Magistrate.

“(3) The Minister must, before giving advice in relation to any appointment under subsection (1), consult with such persons as the Minister considers appropriate.

Cf. 1988, No. 110, s. 7 (1), (2)

“11B. Right to hold other office and to engage in other employment—(1) Subject to subsection (2), a Community Magistrate may—

“(a) Hold any other office; and

“(b) Engage in any other employment or calling—
that, in the opinion of the Governor-General, will not impair the proper discharge of the functions of a Community Magistrate.

“(2) No Community Magistrate may—

“(a) Hold a current practising certificate under the Law Practitioners Act 1982; or

“(b) Hold office as a member of the Police or as a traffic officer; or

“(c) Hold office as an employee of the Public Service who is employed—

“(i) In the Ministry of Justice; or

“(ii) In the Department of Corrections; or

“(iii) In the head office of the Department for Courts; or

- “(iv) As an officer of the High Court or of a District Court; or
- “(d) Be a party to a management contract entered into under section 4A of the Penal Institutions Act 1954 or to a security contract entered into under section 36G of that Act; or
- “(e) Be a security officer within the meaning of section 2 (1) of the Penal Institutions Act 1954; or
- “(f) Be a social worker within the meaning of section 2 (1) of the Children, Young Persons, and Their Families Act 1989.

Cf. 1988, No. 110, s. 7 (5)

“11C. Functions and powers of Community Magistrates—(1) The functions and powers of Community Magistrates are to carry out such functions and powers as are conferred on Community Magistrates—

- “(a) By the Summary Proceedings Act 1957; or
- “(b) By the Summary Offences Act 1981; or
- “(c) By any other enactment.

“(2) Each Community Magistrate is to sit in such Courts at such times as the Chief District Court Judge may from time to time direct after consultation with—

- “(a) The Chief Community Magistrate; or
- “(b) If the office of Chief Community Magistrate is vacant, such other Community Magistrate as the Chief District Court Judge thinks fit.

“(3) The fact that a Community Magistrate sits in any particular Court is conclusive evidence of his or her authority to do so.

“11D. Chief Community Magistrate—(1) The Governor-General may from time to time, by warrant under the Governor-General’s hand and on the advice of the Minister of Justice, appoint a Chief Community Magistrate.

“(2) No person may be appointed as Chief Community Magistrate unless that person has held a practising certificate as a barrister or solicitor for at least 5 years.

“(3) The criteria and procedures for appointment of a person as Chief Community Magistrate may be prescribed by regulations made under section 123; but the failure to make any such regulations does not preclude the appointment of a person as Chief Community Magistrate.

“(4) Subject to subsection (5), the Chief Community Magistrate holds office so long as he or she holds office as a Community Magistrate.

“(5) With the prior approval of the Governor-General, the Chief Community Magistrate may resign that office without resigning his or her office as a Community Magistrate.

“(6) Whenever by reason of illness, absence from New Zealand, or any other cause the Chief Community Magistrate is prevented from exercising the duties of his or her office, the Governor-General may, by writing under his or her hand, appoint one of the other Community Magistrates to act as Chief Community Magistrate until the Chief Community Magistrate resumes his or her duties and, during that period, to execute the duties of that office and to exercise all powers that may be lawfully exercised by the Chief Community Magistrate.

“11E. **Functions of Chief Community Magistrate**—

(1) The functions of the Chief Community Magistrate include—

“(a) The undertaking of appropriate measures to ensure that the integrity of the office of Community Magistrate is maintained and that the Community Magistrates operate effectively and efficiently within the framework of the District Courts:

“(b) Such other functions as are conferred on the Chief Community Magistrate by regulations made under section 123 or by any other enactment.

“(2) Without limiting the generality of subsection (1), the Chief Community Magistrate—

“(a) May sit as a Community Magistrate and exercise the jurisdiction specified in this Act:

“(b) Is to be consulted by the Chief District Court Judge, in accordance with section 11c (2), with regard to the rostering of Community Magistrates:

“(c) May be involved in the design and implementation of training programmes for Community Magistrates in consultation with the Department for Courts and the Chief District Court Judge:

“(d) May, where appropriate, liaise with interested persons on matters affecting the office of Community Magistrate.

“11F. **Tenure of office**—(1) Every Community Magistrate must retire from office on attaining the age of 68 years.

“(2) The Governor-General may remove a Community Magistrate from office for neglect of duty, inability, disability affecting performance of duty, bankruptcy, or misconduct, proved to the satisfaction of the Governor-General.

“(3) Any Community Magistrate may at any time resign the office of Community Magistrate by notice in writing addressed to the Minister of Justice.

“11G. **Remuneration and allowances of Community Magistrates**—(1) There is to be paid to the Chief Community Magistrate, out of public money,—

“(a) Remuneration by way of salary, fees, or allowances at such rate as is determined from time to time by the Higher Salaries Commission in accordance with the Higher Salaries Commission Act 1977; and

“(b) Such additional allowances, being travelling allowances or other incidental or minor allowances, as may be determined from time to time by the Governor-General by Order in Council.

“(2) There is to be paid to each Community Magistrate (other than the Chief Community Magistrate), out of public money,—

“(a) Remuneration by way of fees, salary, or allowances at such rates as are determined from time to time by the Governor-General by Order in Council; and

“(b) Such additional allowances, being travelling allowances or incidental or minor allowances, as may be determined from time to time by the Governor-General by Order in Council.

“(3) The remuneration of a Community Magistrate is not to be diminished during the continuance of the Community Magistrate’s appointment.

“(4) Any Order in Council made under subsection (1) (b) or subsection (2), and any provision of any such order, may be made so as to come into force on a date to be specified in that behalf in the order, being the date of the making of the order or any other date, whether before or after the date of the making of the order.

“(5) Every such Order in Council, and any provision of any such order, in respect of which no date is specified as aforesaid, comes into force on the date of the making of the order.

“(6) Every Order in Council made under subsection (1) (b) or subsection (2) is deemed to be a regulation for the purposes of the Acts and Regulations Publication Act 1989 but not for the purposes of the Regulations (Disallowance) Act 1989.”

4. Place of sittings—Section 21 (3) of the principal Act (as amended by section 8 (1) of the District Courts Amendment Act 1980) is amended by inserting, after the word “Justices”,

the words “or the Community Magistrate or Community Magistrates”.

5. Times of sittings—Section 22 (2) of the principal Act is amended by inserting, after the word “Justices”, the words “or any Community Magistrate or Community Magistrates”.

6. Persons who may take affidavits, etc—Section 56 of the principal Act (as substituted by section 3 of the District Courts Amendment Act 1966) is amended by inserting, after the word “Justice,”, the words “or before any Community Magistrate,”.

7. Consequential amendments—The enactments specified in the Schedule are amended in the manner indicated in that schedule.

SCHEDULE

Section 7

ENACTMENTS AMENDED

Title of Act	Amendment
1908, No. 33—The Crown Grants Act 1908 (R.S. Vol. 2, p. 1)	<p>By repealing subsection (4) of section 45, and substituting the following subsection:</p> <p>“(4) The said fees are recoverable in a summary way by the Director-General on complaint before—</p> <p>“(a) A District Court Judge; or</p> <p>“(b) Any 2 Justices who, for the purpose of hearing any such complaint, have the same powers and jurisdiction in all respects as Justices have in the case of complaints made under the Summary Proceedings Act 1957; or</p> <p>“(c) Any one or more Community Magistrates who, for the purpose of hearing any such complaint, have the same powers and jurisdiction in all respects as 2 or more Justices have in the case of complaints made under the Summary Proceedings Act 1957.”</p> <p>By inserting in the form numbered (2) in the Second Schedule, after the words “New Zealand”, the expression “[or a Community Magistrate]”.</p> <p>By adding to the form numbered (2) in the Second Schedule, after the words “Justice of the Peace”, the expression “[or Community Magistrate]”.</p>
1908, No. 56—The Evidence Act 1908 (R.S. Vol. 28, p. 451)	<p>By inserting in the definition of the term “Judge” in section 2, after the word “Peace”, the words “or any Community Magistrate or Community Magistrates”.</p> <p>By inserting in section 16 (1), after the word “Justices”, the words “or the Community Magistrate or Community Magistrates”.</p> <p>By inserting in section 17 (1), after the words “before Justices,”, the words “or before any Community Magistrate or Community Magistrates,”.</p> <p>By inserting in section 17 (1), after the words “or Justices”, the words “or Community Magistrate or Community Magistrates”.</p>

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1908, No. 81—The Industrial and Provident Societies Act 1908 (R.S. Vol. 7, p. 407)	By adding to section 16 (d) the words “or one or more Community Magistrates.”
1908, No. 96—The Land Drainage Act 1908 (R.S. Vol. 6, p. 641)	By inserting in section 26, and also in section 53 (2), after the word “Justice”, the words “or Community Magistrate”. By omitting from section 81 the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”.
1908, No. 141—The Pawnbrokers Act 1908 (R.S. Vol. 10, p. 667)	By inserting in section 84, after the word “Justices”, the words “or one or more Community Magistrates”. By inserting in section 29, after the word “Justice” in both places where it appears, the words “or Community Magistrate”. By inserting in section 37 (1), and also in section 37 (3), after the words “District Court Judge,”, the words “or one or more Community Magistrates”. By inserting in section 40 (1), after the word “Justice,”, the words “Community Magistrate,”. By inserting in section 41, after the word “Justices”, the words “or any Community Magistrate or Community Magistrates”. By inserting in the form numbered (4) in the Second Schedule, after the words “Justices of the Peace for New Zealand”, the words “or a Community Magistrate”. By inserting in the form numbered (4) in the Second Schedule, after the words “the said Justice”, the words “or Community Magistrate”.
1908, No. 165—The River Boards Act 1908 (R.S. Vol. 10, p. 765)	By adding to the form numbered (4) in the Second Schedule, after the words “Justice of the Peace”, the words “or Community Magistrate”. By inserting in section 123, after the word “Justices”, the words “or before any Community Magistrate or Community Magistrates”. By omitting from section 124 the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”.

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1909, No. 13—The Inferior Courts Procedure Act 1909 (R.S. Vol. 28, p. 667)	<p>By inserting in section 2 (c) (as enacted by section 82 (2) of the Disputes Tribunals Act 1988), after the words “Justice of the Peace,”, the words “Community Magistrate,”.</p> <p>By inserting in section 12, after subsection (1), the following subsection:</p> <p>“(1A) If any omission or mistake is made in any conviction or order drawn up by any Community Magistrate, and sufficient grounds were in proof before that Community Magistrate to have authorised the drawing up of that conviction or order free from that omission or mistake, that Community Magistrate may at any time thereafter, before the conviction or order has been quashed by a District Court presided over by a District Court Judge or by any other Court having jurisdiction in that behalf, draw up an amended conviction or order in lieu of that in which the omission or mistake exists, and lodge the amended conviction or order with the Registrar of the District Court, to be filed by that Registrar in accordance with the Summary Proceedings Act 1957.”</p> <p>By inserting in section 12 (2), and also in section 12 (3), after the words “Justice of the Peace”, the words “or Community Magistrate”.</p>
1910, No. 28—The Bylaws Act 1910 (R.S. Vol. 1, p. 411)	<p>By repealing subsection (9) of section 12, and substituting the following subsection:</p> <p>“(9) Every Court, District Court Judge, Justice of the Peace, or Community Magistrate must take judicial notice of every order so made by the High Court quashing or amending a bylaw or any part thereof.”</p>
1924, No. 11—The Acts Interpretation Act 1924 (R.S. Vol. 31, p. 1)	<p>By inserting in the definition of the term “summary conviction” in section 4, after the words “Justices of the Peace”, the words “or one or more Community Magistrates”.</p> <p>By inserting in section 25 (d), after the words “Justice of the Peace”, the words “or a Community Magistrate”.</p>

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (R.S. Vol. 36, p. 783)	By omitting from section 158 the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”. By inserting in section 159, after the word “Justice”, the words “or Community Magistrate”.
1945, No. 16—The Evidence Amendment Act 1945 (R.S. Vol. 28, p. 493)	By inserting in section 11 (1) (f), after the word “Peace”, the words “or Community Magistrate”.
1949, No. 19—The Forests Act 1949 (R.S. Vol. 34, p. 569)	By inserting in section 71B (1) (e) (as enacted by section 6 (1) of the Forests Amendment Act 1983), after the words “Justice of the Peace,”, the words “Community Magistrate,”.
1950, No. 54—The Crown Proceedings Act 1950 (R.S. Vol. 2, p. 23)	By inserting in the definition of the term “officer” in section 2 (1), after the words “Justice of the Peace,”, the words “Community Magistrate,”. By inserting in the definition of the term “servant” in section 2 (1) (as inserted by section 2 of the Crown Proceedings Amendment Act 1958), after the words “Justice of the Peace,”, the words “Community Magistrate,”. By inserting in section 21 (1), after the word “Justice”, the words “or Community Magistrate”.
1953, No. 31—The Wildlife Act 1953 (R.S. Vol. 7, p. 819)	By omitting from section 21 (2) the words “or Justice”, and substituting the words “Justice, or Community Magistrate”. By omitting from the form numbered (3) in the Third Schedule the words “or Justice”, and substituting the words “Justice, or Community Magistrate”.
1953, No. 88—The Physiotherapy Amendment Act 1953 (R.S. Vol. 35, p. 565)	By inserting in the proviso to section 39 (1), after the word “Justice”, the words “or Community Magistrate”. By inserting in section 11 (2), after the words “Justice of the Peace”, the words “or a Community Magistrate”. By inserting in section 11 (2), after the words “the Justice”, the words “or Community Magistrate”.
1957, No. 19—The Explosives Act 1957 (R.S. Vol. 6, p. 361)	By inserting in section 9 (3), after the word “Justice”, the words “or Community Magistrate”.

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1957, No. 19—The Explosives Act 1957 (R.S. Vol. 6, p. 361)— <i>continued</i>	By inserting in section 9 (4), after the words “Justice of the Peace”, the words “or Community Magistrate”.
	By inserting in section 9 (4), after the words “the Justice”, the words “or Community Magistrate”.
1958, No. 109—The Police Act 1958 (R.S. Vol. 26, p. 669)	By omitting from section 38 (1), and also from section 38 (2), the words “or Justice”, and substituting in each case the words “, Justice, or Community Magistrate”.
	By inserting in subsection (1) of section 39 (as amended by section 2 (1) of the Police Amendment Act 1995), and also in subsection (2) of that section (as so amended), after the word “Justice,”, the words “Community Magistrate,”.
	By inserting in section 50 (2), after the word “Justice”, the words “or Community Magistrate”.
	By inserting in section 58 (1), after the word “Justice”, the words “or Community Magistrate”.
1960, No. 30—The Animals Protection Act 1960 (R.S. Vol. 6, p. 1)	By inserting in the proviso to section 10 (1), after the word “Justice”, the words “or Community Magistrate”.
	By inserting in section 10 (3), after the word “Justice”, the words “or Community Magistrate”.
	By inserting in the proviso to section 10 (5), after the word “Justice”, the words “or Community Magistrate”.
1962, No. 135—The Transport Act 1962 (R.S. Vol. 16, p. 659)	By inserting in section 194 (2) (as substituted by section 26 of the Transport Amendment Act 1968), after the words “Justices of the Peace”, the words “or one or more Community Magistrates”.
1965, No. 23—The Radiation Protection Act 1965 (R.S. Vol. 18, p. 673)	By inserting in section 24 (2), after the words “Justice of the Peace”, the words “or Community Magistrate”.
	By inserting in section 24 (2), after the words “the Justice”, the words “or Community Magistrate”.

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1965, No. 44—The Extradition Act 1965 (R.S. Vol. 18, p. 113)	By inserting in sections 7 and 8, after the words “or Justice” wherever they occur, the words “or Community Magistrate”.
1967, No 129—The Costs in Criminal Cases Act 1967 (R.S. Vol. 18, p. 77)	By inserting in section 8 (4), after the word “Justice”, the words “or Community Magistrate”.
1974, No. 26—The Dangerous Goods Act 1974 (R.S. Vol. 24, p. 241)	By inserting in section 20 (1), after the words “Justice of the Peace”, the words “or Community Magistrate”. By inserting in section 20 (1), after the words “the Justice”, the words “or Community Magistrate”.
1974, No. 66—The Local Government Act 1974 (R.S. Vol. 25, p. 1)	By omitting from section 700 (as enacted by section 2 of the Local Government Amendment Act 1979) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”. By inserting in section 701 (2) (as enacted by section 2 of the Local Government Amendment Act 1979), after the word “Justice”, the words “or Community Magistrate”.
1975, No. 1—The Statistics Act 1975 (R.S. Vol. 26, p. 791)	By inserting in section 35 (3), after the word “Justice”, the words “or Community Magistrate”.
1977, No. 84—The Gaming and Lotteries Act 1977 (R.S. Vol. 33, p. 17)	By omitting from section 117 (1) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”. By inserting in the First Schedule, after the words “Justice of the Peace”, the words “or Community Magistrate”.
1977, No. 110—The Higher Salaries Commission Act 1977 (R.S. Vol. 35, p. 307)	By inserting in the Fourth Schedule, after the item relating to the members and associate members of the Commerce Commission, the item “The Chief Community Magistrate.”
1977, No. 111—The Wild Animal Control Act 1977 (R.S. Vol. 33, p. 957)	By inserting in section 12 (11), after the words “or Justice of the Peace” (as inserted by section 6 of the Wild Animal Control Amendment Act 1979), the words “or Community Magistrate”. By inserting in section 13 (6), and also in section 13 (7), after the words “or Justice of the Peace” (as inserted by section 6 of the Wild Animal Control Amendment Act 1979), the words “or Community Magistrate”.

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1977, No. 111—The Wild Animal Control Act 1977 (R.S. Vol. 33, p. 957)— <i>continued</i>	By inserting in the proviso to section 14 (2), after the words “or Justice of the Peace” (as inserted by section 6 of the Wild Animal Control Amendment Act 1979), the words “or Community Magistrate”.
1978, No. 13—The Massage Parlours Act 1978 (R.S. Vol. 34, p. 735)	By omitting from section 36, and also from section 37, the words “or Justice”, and substituting in each case the words “, Justice, or Community Magistrate”.
1978, No. 65—The Misuse of Drugs Amendment Act 1978 (R.S. Vol. 26, p. 618)	By inserting in the First Schedule, and also in the Second Schedule, after the words “Justice of the Peace”, the words “or Community Magistrate”.
1978, No. 80—The Marine Mammals Protection Act 1978 (R.S. Vol. 34, p. 709)	By inserting in section 34 (as amended by section 11 (1) of the Misuse of Drugs Amendment Act (No. 2) 1978), after the word “Justice” in both places where it occurs, the words “or Community Magistrate”.
1978, No. 80—The Marine Mammals Protection Act 1978 (R.S. Vol. 34, p. 709)	By inserting in section 14 (1), after the words “Justice of the Peace”, the words “or Community Magistrate”.
1980, No. 94—The Family Proceedings Act 1980 (R.S. Vol. 28, p. 545)	By inserting in section 14 (1), after the words “the Justice”, the words “or Community Magistrate”.
1980, No. 94—The Family Proceedings Act 1980 (R.S. Vol. 28, p. 545)	By inserting in section 138 (3) (a), after the word “Justice”, the words “or Community Magistrate”.
1981, No. 23—The Juries Act 1981	By omitting from section 8 (c) the words “and District Court Judges”, and substituting the words “District Court Judges, and Community Magistrates”.
1981, No. 28—The Boxing and Wrestling Act 1981	By inserting in section 9, after the word “Justice”, the words “or Community Magistrate”.
1983, No. 14—The Fisheries Act 1983 (R.S. Vol. 27, p. 137)	By inserting in section 79 (2), and also in section 79 (2A) (b) (as inserted by section 23 of the Fisheries Amendment Act 1991), after the word “Justice” wherever it appears, the words “or Community Magistrate”.

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1986, No. 5—The Commerce Act 1986 (R.S. Vol. 31, p. 71)	By omitting from section 98A (2) (as enacted by section 34 of the Commerce Amendment Act 1990) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”.
1986, No. 6—The Transport (Vehicle and Driver Registration and Licensing) Act 1986	By inserting in section 50A (as inserted by section 10 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1987), after the word “Justices”, the words “or one or more Community Magistrates”.
1986, No. 121—The Fair Trading Act 1986	By inserting in section 47 (2) (as enacted by section 3 of the Fair Trading Amendment Act 1990), after the word “Justice,”, the words “or Community Magistrate,”.
1987, No. 15—The Weights and Measures Act 1987	By omitting from section 28 (3) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”.
1987, No. 178—The Fencing of Swimming Pools Act 1987	By inserting in the definition of the term “judicial officer” in section 2, after the word “justice,”, the words “Community Magistrate,”.
1988, No. 97—The Rating Powers Act 1988	By inserting in section 204, after the word “Justice”, the words “or Community Magistrate”.
1989, No. 18—The Trade in Endangered Species Act 1989	By inserting in section 38 (2), after the words “Justice of the Peace”, the words “or Community Magistrate”.
1989, No. 24—The Children, Young Persons, and Their Families Act 1989	By inserting in section 39 (1), and also in section 40 (1), after the word “Justice”, the words “or any Community Magistrate”.
	By inserting in section 274 (2) (a), after the word “Justices”, the words “or by one or more Community Magistrates”.
	By inserting in section 278 (1), after the word “Justice”, the words “or Community Magistrate”.
	By inserting in section 321 (5) (as added by section 40 of the Children, Young Persons, and Their Families Amendment Act 1994), after the word “Justice”, the words “or Community Magistrate”.

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1989, No. 24—The Children, Young Persons, and Their Families Act 1989— <i>continued</i>	<p>By inserting in section 355 (2) (c), after the word “Justices”, the words “or Community Magistrate or Community Magistrates”.</p> <p>By inserting in section 386 (1), after the word “Justice”, the words “or Community Magistrate”.</p> <p>By inserting in subsections (2) to (4) of section 445B (as inserted by section 2 (1) of the Children, Young Persons, and Their Families Amendment Act 1996), after the word “Justice,” wherever it appears, the words “Community Magistrate,”.</p> <p>By omitting from clause 2 (d) of the First Schedule the words “A Justice shall not”, and substituting the words “Neither a Justice nor a Community Magistrate may”.</p>
1989, No. 63—The Sale of Liquor Act 1989	<p>By inserting in section 173 (1), after the word “Justices”, the words “or any one or more Community Magistrates”.</p> <p>By inserting in section 174 (3), after the word “Justices”, the words “or any one or more Community Magistrates”.</p> <p>By repealing subsection (4) of section 174, and substituting the following subsection: “(4) The Judge or the Justices or the Community Magistrate or Community Magistrates— “(a) May revoke the order either unconditionally or subject to such conditions as the Judge or the Justices or the Community Magistrate or Community Magistrates may think fit to impose; or “(b) May refuse to revoke the order.”</p> <p>By omitting from section 177 (1) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”.</p> <p>By inserting in section 177 (1), after the word “Justice,” in the second place</p>

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1989, No. 63—The Sale of Liquor Act 1989— <i>continued</i>	where it appears, the words “Community Magistrate,”. By inserting in section 177 (4), after the word “Justice,” the words “Community Magistrate,”.
1989, No. 80—The Education Act 1989 (R.S. Vol. 34, p. 17)	By inserting in section 318 (5), after the words “Justice of the Peace,” the words “Community Magistrate,”.
1989, No. 148—The Radio-communications Act 1989	By omitting from section 120 (3) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”. By inserting in section 120 (3), after the word “Justice,” in the second place where it appears, the words “Community Magistrate,”.
1990, No. 98—The Civil Aviation Act 1990 (R.S. Vol. 32, p. 1)	By inserting in the definition of the term “judicial officer” in section 2, after the words “a Justice,” the words “a Community Magistrate,”.
1990, No. 127—The Commodity Levies Act 1990	By inserting in section 19 (1), after the word “Justice,” the words “a Community Magistrate,”. By inserting in the form of search warrant in the Schedule, after the words “Justice of the Peace <i>or</i> ”, the words “Community Magistrate <i>or</i> ”.
1991, No. 69—The Resource Management Act 1991 (R.S. Vol. 32, p. 131)	By inserting in section 334 (1), after the word “Justice”, the words “or any Community Magistrate”. By inserting in section 352A (2) (as enacted by section 25 of the Resource Management Amendment Act 1994), after the word “Justice”, the words “or Community Magistrate”.
1991, No. 71—The Legal Services Act 1991	By inserting in section 116 (3), after the words “Justice of the Peace,” the words “a Community Magistrate,”.
1992, No. 86—The Mutual Assistance in Criminal Matters Act 1992	By inserting in the definition of the term “process” in section 2, after the word “Justice,” the words “Community Magistrate,”.
1992, No. 122—The Electricity Act 1992	By inserting in section 159 (1) (e), after the word “Justice”, the words “or Community Magistrate”.

SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1992, No. 124—The Gas Act 1992	By omitting from section 50 (1) (e) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”.
1993, No. 84—The Earthquake Commission Act 1993	By inserting in section 34 (1), after the words “Justice of the Peace,”, the words “Community Magistrate,”.
1993, No. 94—The Films, Videos, and Publications Classification Act 1993	By omitting from section 109 (1) the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”. By omitting from section 131 (4) (j), and also from section 131 (5) (e), the words “or Justice”, and substituting in each case the words “, Justice, or Community Magistrate”.
1993, No. 95—The Biosecurity Act 1993	By inserting in section 110, and also in section 111 (1), after the word “Justice,”, the words “a Community Magistrate,”.
1994, No. 104—The Maritime Transport Act 1994	By inserting in section 112 (1), after the word “Justice” in both places where it occurs, the words “or Community Magistrate”. By inserting in section 418 (2), after the word “Justice,”, the words “or Community Magistrate”.
1994, No. 119—The Antarctica (Environmental Protection) Act 1994	By inserting in section 454, and also in section 455 (1), after the word “Justice,”, the words “a Community Magistrate,”.
1994, No. 119—The Antarctica (Environmental Protection) Act 1994	By inserting in section 42 (1), after the word “Justice,”, the words “a Community Magistrate,”.
1994, No. 166—The Tax Administration Act 1994	By inserting in the definition of the term “judicial officer” in section 16 (7), after the word “justice,”, the words “Community Magistrate,”.
1996, No. 9—The Financial Transactions Reporting Act 1996	By inserting in section 38 (2), and also in section 38 (4) (a), after the words “Justice of the Peace”, the words “or a Community Magistrate”. By inserting in section 38 (3), after the words “Justice of the Peace”, the words “or Community Magistrate”. By omitting from section 44 the words “or Justice”, and substituting the words “, Justice, or Community Magistrate”.

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1996, No. 13—The Dog Control Act 1996	<p>By inserting in section 14 (3) (a), after the word “Justice” in both places where it appears, the words “or Community Magistrate”.</p> <p>By inserting in section 56 (3) (a), after the word “Justice” in both places where it appears, the words “or Community Magistrate”.</p> <p>By inserting in section 57 (3) (b), after the word “Justice” in both places where it appears, the words “or Community Magistrate”.</p>
1996, No. 27—The Customs and Excise Act 1996	<p>By inserting in subsections (6) to (8) of section 149, after the words “Justice of the Peace” wherever they appear, the words “or Community Magistrate”.</p> <p>By inserting in section 167 (1), after the words “Justice of the Peace”, the words “or Community Magistrate”.</p> <p>By inserting in subsections (5) to (7) of section 168, after the words “Justice of the Peace” wherever they appear, the words “or Community Magistrate”.</p> <p>By inserting in subsections (1), (4), and (8) of section 171, after the words “or Justice” wherever they appear, the words “or Community Magistrate”.</p>
1996, No. 30—The Hazardous Substances and New Organisms Act 1996	<p>By inserting in section 119 (1), after the words “Justice of the Peace”, the words “or Community Magistrate”.</p> <p>By inserting in section 119 (3), after the words “Justice of the Peace,”, the words “Community Magistrate,”.</p>
1996, No. 37—The Chemical Weapons (Prohibition) Act 1996	<p>By inserting in section 23 (2), after the word “Justice,”, the words “a Community Magistrate,”.</p>
1996, No. 40—The Ozone Layer Protection Act 1996	<p>By inserting in section 23 (1), after the words “or Justice”, the words “or Community Magistrate”.</p> <p>By inserting in section 23 (3), after the word “Justice,”, the words “Community Magistrate,”.</p>
1996, No. 88—The Fisheries Act 1996	<p>By inserting in subsections (1) to (3) of section 200, after the word “Justice,” wherever it appears, the words “Community Magistrate,”.</p> <p>By inserting in the Seventh Schedule, after</p>

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1996, No. 88—The Fisheries Act 1996— <i>continued</i>	the expression “Justice of the Peace/”, the expression “Community Magistrate/”.

This Act is administered in the Ministry of Justice and the Department for Courts.
