

NEW ZEALAND.



TRICESIMO TERTIO ET TRICESIMO QUARTO

VICTORIÆ REGINÆ.

No. XXXVIII.

ANALYSIS.

- Title.
- Preamble.
- 1. Short Title.
- 2. Limitation of information.

- 3. Discretion to Justices to reduce penalty to one-tenth.
- 4. Saving as to past offences. Schedule.

AN ACT to permit Summary Prosecutions to be instituted in certain cases without regard to the period which has elapsed since the Commission of the Offence. [12th September 1870.]

WHEREAS by "The Justices of the Peace Act 1866" and by divers other Acts and Ordinances in force in New Zealand it is enacted that informations and complaints in respect of matters which Justices have summary jurisdiction to dispose of by way of conviction or order shall be laid or made within a certain limited time after the matter of the information or complaint shall have arisen And whereas it is expedient that the time within which informations or complaints should be laid or made in the cases hereinafter mentioned should be extended and defined

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

- 1. The Short Title of this Act shall be "The Government Summary Prosecutions Act 1870."
- 2. Notwithstanding anything to the contrary contained in "The Justices of the Peace Act 1866" or any other Act heretofore passed any information or complaint heard in a summary manner before a Justice of the Peace for or in respect of any offence against any of the Acts mentioned in the Schedule may be laid at any time within three years next after the date of the offence committed and not afterwards.
- 3. In every case where by any of the Acts mentioned in the said Schedule a money penalty of fixed amount is imposed on any offence

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and no discretion is given to the Justices before whom proceedings are taken in a summary way for recovery of such penalty to award a penalty less than such fixed amount or to mitigate the penalty it shall be lawful for such Justices in their discretion to impose any penalty not greater than such fixed amount and not less than one-tenth of such fixed amount in the same manner as if in the Act imposing such penalty the words "not more than" had immediately preceded the statement of the amount of every such penalty and the words "and not less than one-tenth of the said amount" had immediately followed the said statement.

Saving as to past offences.

4. Nothing in this Act shall extend to authorize the taking of summary proceedings in respect of any offence or matter as to which the time now limited by law for the taking of summary proceedings has already elapsed.

Schedule.

SCHEDULE.

- "The New Zealand Post Office Act, 1858."
- "The New Zealand Post Office Act Amendment Act, 1866."
- "The New Zealand Post Office Act Amendment Act, 1866, No. 2."
- "The New Zealand Post Office Act Amendment Act, 1870."
- "The Stamp Duties Act, 1866."
- "The Stamp Duties Act Amendment Act, 1867."
- "The Stamp Duties Acts Amendment Act, 1869."
- "The Stamp Duties Act Amendment Act, 1870."

WELLINGTON, NEW ZEALAND :

Printed under the authority of the New Zealand Government, by GEORGE DIDSBUXY, Government Printer.