



ANALYSIS

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1957, No. 89

An Act to consolidate and amend certain enactments of the General Assembly relating to the appointment of Justices of the Peace [24 October 1957]

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

1. Short Title and commencement—(1) This Act may be cited as the Justices of the Peace Act 1957.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-eight.

2. Interpretation—In this Act the term “Justice” means a Justice of the Peace for New Zealand.

Cf. 1927, No. 37, s. 2

3. Appointment of Justices of the Peace—(1) The Governor-General may from time to time, by Warrant under his hand, appoint fit and proper persons to be Justices of the Peace for New Zealand.

(2) Notice of every such appointment shall be published in the *Gazette*, and in addition the Minister of Justice may from time to time cause to be published in the *Gazette* a list of the names of Justices then holding office.

(3) Publication in the *Gazette* of notice of any such appointment or of any such list shall be evidence of the appointment of every Justice whose name appears in the notice or in the list, as the case may be.

(4) Every person appointed a Justice shall continue in office until he dies or resigns by notice in writing to the Secretary for Justice or ceases to be a Justice under section five or section eight of this Act.

Cf. 1927, No. 37, ss. 4–6

4. Functions and powers of Justices—The functions and powers of Justices shall be—

- (a) To take oaths and declarations under the provisions of the Oaths and Declarations Act 1957 or any other enactment:
- (b) To carry out such functions and exercise such powers as are conferred on Justices by the Summary Proceedings Act 1957 or by any other enactment.

5. Removal of Justice from office—(1) The Governor-General may from time to time as he thinks fit, by notice in the *Gazette*, remove any person from the office of Justice, and any person so removed shall cease to be a Justice on the day of the publication of the notice.

(2) Notwithstanding anything in any other Act, the provisions of subsection one of this section shall apply with respect to any person who is a Justice by virtue of his holding any other office. If any such person is removed from the office of Justice, he shall not, by reason of his being re-elected to that other office at the next succeeding election, become a Justice by virtue of holding that other office.

(3) For the purposes of this section, and without limiting the generality of the powers conferred on the Governor-General by subsection one of this section to remove any person from the office of Justice on any other ground,—

- (a) Every Registrar of the Supreme Court or of a Magistrate's Court shall notify the Secretary for Justice whenever any person whom the Registrar knows to be a Justice is convicted of an offence punishable by imprisonment:

(b) Every Official Assignee shall notify the Secretary for Justice whenever any person whom the Official Assignee knows to be a Justice is adjudicated bankrupt.

Cf. 1927, No. 37, s. 8

6. Attendance of Justices at Court—(1) The Registrar of every Magistrate's Court shall keep, and correct from time to time as occasion may require, a list of Justices residing within ten miles of the Courthouse, not being persons exempt from attendance under section seven of this Act.

(2) When the attendance of Justices is required at any such Court, the Registrar shall summon as many Justices as he thinks necessary to attend:

Provided that no Justice whose name is not on the list may be so summoned without his consent.

Cf. 1927, No. 37, ss. 9, 11; 1952, No. 44, s. 15

7. Justices exempt from attendance—The following persons who are Justices shall be exempt from attendance at a Magistrate's Court, namely:

- (a) Any Justice who has notified the Registrar in writing that he has attained the age of seventy-two years and does not wish to attend;
- (b) Any member of the House of Representatives;
- (c) Any barrister or solicitor or medical practitioner in the actual practice of his profession;
- (d) Any employee of the Crown.

Cf. 1927, No. 37, s. 10

8. Failure to attend—(1) Where any Justice fails to attend on two successive occasions when so summoned,—

- (a) The Registrar shall notify that fact to the Secretary for Justice; and
- (b) The Justice shall, unless within one month from the date of the second absence he satisfies the Governor-General that he had reasonable cause for that absence, and notwithstanding anything in any other Act, cease to be a Justice as from a date to be fixed for that purpose by the Minister of Justice and notified in the *Gazette*.

(2) Where any person who holds office as a Justice by virtue of his holding some other office ceases to be a Justice under subsection one of this section and is re-elected to that other

office at any succeeding election, then, subject to the provisions of section five of this Act, that person shall as from the date of his re-election be a Justice during the time he holds that other office.

9. Legality of acts done by person ceased to be a Justice—
The legality of anything done by any person while he is a Justice shall not be affected by his ceasing to be a Justice; but anything done by any person after he has ceased to be a Justice in purported exercise of any of the powers or duties of a Justice shall be void.

10. Repeals—The following enactments are hereby repealed, namely:

- (a) Division I of the Justices of the Peace Act 1927;
 - (b) Section fifteen of the Justices of the Peace Amendment Act 1952.
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