



ANALYSIS

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1950, No. 25

Title. AN ACT to Amend the Magistrates' Courts Act, 1947.
[18th September, 1950]

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

Short Title and commencement.
1947, No. 16

1. (1) This Act may be cited as the Magistrates' Courts Amendment Act, 1950, and shall be read together with and deemed part of the Magistrates' Courts Act, 1947 (hereinafter referred to as the principal Act).

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

Procedure on appeal.

2. (1) The principal Act is hereby amended by repealing section seventy-six, and substituting the following section:—

“ 76. (1) All appeals shall be by way of rehearing.

“(2) Where any question of fact is involved in any appeal, the evidence taken in the Magistrate's Court bearing on the question shall, subject to any special order, be brought before the Supreme Court as follows:—

“(a) As to any evidence given orally, by the production of a copy of the Magistrate's note or such other materials as the Supreme Court may deem expedient:

“(b) As to any evidence taken by affidavit and as to any exhibits, by the production of the affidavits and such of the exhibits as may have been forwarded by the Registrar of the Court appealed from and by the production by the parties to the appeal of such exhibits as are in their custody:

“ Provided that the Supreme Court may in its discretion rehear the whole or any part of the evidence.

“(3) The Supreme Court shall have all the powers and duties as to amendment and otherwise of the Magistrate's Court, and shall have full discretionary power to receive further evidence upon questions of fact, either by oral evidence or by affidavit or by evidence taken before a Commissioner or Examiner.”

(2) Notwithstanding anything contained in this section, where any notice of motion on appeal is lodged with the Registrar of the Supreme Court, pursuant to the principal Act, before the date of the commencement of this Act, and the appeal is not finally determined before that date, the provisions of the principal Act shall continue to apply to that appeal in all respects as if this section had not been passed. Saving.
