



## ANALYSIS

Title	2. Salaries and allowances of Magistrates
1. Short Title	

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1978, No. 72

**An Act to amend the Magistrates' Courts Act 1947**

[13 October 1978]

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**—This Act may be cited as the Magistrates' Courts Amendment Act 1978, and shall be read together with and deemed part of the Magistrates' Courts Act 1947 (hereinafter referred to as the principal Act).

**2. Salaries and allowances of Magistrates**—(1) The principal Act is hereby amended by repealing section 6 (as substituted by section 3 (1) of the Magistrates' Courts Amendment Act 1970), and substituting the following section:

“6. (1) There shall be paid to every Magistrate out of the Consolidated Account, without further appropriation than this section,—

“(a) A salary at such rate as the Governor-General, by Order in Council, from time to time determines; and

“(b) Such allowances as are from time to time prescribed by the Governor-General by Order in Council; and

“(c) Such additional allowances, being travelling allowances or incidental or minor allowances, as may be fixed from time to time by the Governor-General.

“(2) The salary of a Magistrate shall not be diminished by an Order in Council under this section during the continuance of his appointment.

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

“(4) Every such Order in Council or determination, and every provision of any such order or determination, in respect of which no date is specified as aforesaid shall come into force on the date of the making of the order or determination.

“(5) Every Order in Council made under subsection (1) of this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936.”

(2) The Magistrates' Courts Amendment Act 1970 is hereby consequentially repealed.

(3) The Magistrates' Travelling Allowances Regulations 1952 are hereby revoked.

(4) Notwithstanding anything in the foregoing provisions of this section, the travelling and other allowances payable to every Magistrate in accordance with the Magistrates' Travelling Allowances Regulations 1952 shall continue to be paid in accordance with those regulations (as in force immediately before the passing of this Act) until those allowances are replaced by allowances prescribed or fixed under section 6 of the principal Act (as substituted by subsection (1) of this section).

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This Act is administered in the Department of Justice.

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