



ANALYSIS

Title	2. Service by registered letter
1. Short Title and commencement	3. Rehearing

1968, No. 108

An Act to amend the Summary Proceedings Act 1957

[13 December 1968]

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 Summary Proceedings Amendment Act 1968, and shall be read together with and deemed part of the Summary Proceedings Act 1957 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-nine.

2. Service by registered letter—(1) Section 19 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

“(2) Where service of a summons to a defendant is to be effected in accordance with paragraph (c) of subsection (1) of section 24 of this Act the day on which the defendant is summoned to appear shall not be less than twenty-one days after the day on which the registered letter is posted.”

(2) Section 24 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Where service is effected in accordance with paragraph (c) of subsection (1) of this section, then, unless the contrary is shown, service shall be deemed to have been effected on the person to whom the letter is addressed at the time when the letter would have been delivered in the ordinary course of post, and in proving service it shall be sufficient to prove that the letter was properly addressed and posted.”

3. Rehearing—Section 75 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Where a registered letter has been used for the service of any summons on a defendant, and on the hearing of the information or complaint the defendant has been convicted or, as the case may be, an order has been made against him, in his absence, a Magistrate or the Registrar (not being a constable) shall, if he is satisfied that the defendant did not receive the summons:

- “(a) Grant a rehearing of the information or complaint and set it down for hearing at a later date; and
- “(b) Issue another summons, which shall not be served by registered letter.”

This Act is administered in the Department of Justice.
