



ANALYSIS

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1989, No. 21

An Act to amend the Summary Proceedings Act 1957

[8 May 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Summary Proceedings Amendment Act 1989, 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 28th day after the date on which it receives the Royal assent.

2. Conditions of bail—(1) Section 49 of the principal Act (as substituted by section 2 of the Summary Proceedings Amendment Act (No. 2) 1987) is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) The Court or Justice may impose as a further condition of the defendant’s release that the defendant report to the police at such time or times and at such place or places as the Court or Justice orders.

“(2A) Whether or not the Court or Justice imposes a condition under subsection (2) of this section, the Court or Justice may impose any other condition that the Court or Justice considers reasonably necessary to ensure that the defendant—

“(a) Appears in Court on the date to which the defendant has been remanded; and

“(b) Does not interfere with any witness or any evidence against the defendant; and

“(c) Does not commit any offence while on bail.”

(2) Section 49 of the principal Act (as so substituted) is hereby further amended by omitting from subsection (3) the expression “subsection (2)”, and substituting the expression “subsection (2A)”.

3. Provisions as to issue of warrant pending appeal—

Section 124 of the principal Act is hereby amended by inserting, after subsection (3c) (as inserted by section 150 (1) of the Criminal Justice Act 1985), the following subsection:

“(3D) Where under any determination in respect of which either party appeals the Court has made a non-association order in respect of the defendant, the period of non-association shall cease to run on the day the notice of appeal is filed.”

4. Provisions on determination of appeal where non-association order made in respect of defendant—The principal Act is hereby amended by inserting, after section 137c (as inserted by section 150 (1) of the Criminal Justice Act 1985), the following section:

“137D. Where under any determination in respect of which either party appeals a non-association order was made in respect of the defendant and—

“(a) When the appeal is determined the conviction is not set aside and the order is not cancelled; or

“(b) The appeal is not prosecuted or is dismissed for non-prosecution,—

the non-association order as made by the District Court or as varied by the High Court, as the case may be, shall be resumed as from the day the appeal is determined or, as the case may be, the District Court Judge or Justice or Justices certify that it has not been prosecuted or the Registrar of the High Court certifies that it has been dismissed for non-prosecution.”