



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Defendant may be admitted to bail by constable in certain cases</p> <p>3. Mode of taking bail bond</p>	<p>4. Non-performance of condition of bail bond to be certified by District Court Judge or Justice</p> <p>5. Rules and regulations</p> <p>6. First Schedule amended</p>
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1995, No. 87

An Act to amend the Summary Proceedings Act 1957

[15 December 1995]

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 (No. 2) 1995, 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 a date to be appointed by the Governor-General by Order in Council.

2. Defendant may be admitted to bail by constable in certain cases—(1) Section 51 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) In determining whether it is prudent to grant bail under subsection (1) of this section to any person charged with an offence against section 49 (1) (a) or section 49 (1) (b) of the Domestic Violence Act 1995, the need to protect the victim of the alleged offence shall be the paramount consideration.”

(2) Section 51 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Where a person is granted bail pursuant to this section, the constable who takes the bail bond of the person may, in addition to the conditions that may be imposed under subsection (2) of this section, also impose any condition that

might be imposed by a Court or Justice under subsection (2) or subsection (2A) of section 49 of this Act.”

(3) Section 51 of the principal Act is hereby amended by omitting from subsection (2), and also from subsection (3), the words “such bail bond”, and substituting in each case the words “bail bond taken pursuant to this section”.

3. Mode of taking bail bond—Section 52 (1) of the principal Act is hereby amended by inserting, after the word “condition”, the words “or conditions”.

4. Non-performance of condition of bail bond to be certified by District Court Judge or Justice—Section 57 (1) of the principal Act is hereby amended by inserting, after the words “notice of bail” (as substituted by section 8 (2) of the Summary Proceedings Amendment Act (No. 2) 1987), the words “or, as the case may be, the bail bond”.

5. Rules and regulations—Section 212 (2) of the principal Act is hereby amended by inserting, after paragraph (ea) (as inserted by section 25 of the Summary Proceedings Amendment Act 1973), the following paragraph:

“(eb) Providing for information about proceedings under this Act to be transferred between courts, where that information is relevant to proceedings under the Domestic Violence Act 1995, including (without limitation) provision for such information to be transferred between different courts, or between different divisions of the same court, or between courts exercising civil jurisdiction and courts exercising criminal jurisdiction, or between courts exercising original jurisdiction and courts exercising appellate jurisdiction:”.

6. First Schedule amended—Part II of the First Schedule to the principal Act is hereby amended by inserting, in its appropriate alphabetical order, the following item:

“The Domestic Violence Act 1995	49 (3)	Contravening protection order.”
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