



ANALYSIS

Title
1. Short Title

2. Court to which defendant to be committed

1985, No. 99

An Act to amend the Summary Proceedings Act 1957

[11 June 1985]

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 Summary Proceedings Amendment Act (No. 3) 1985, and shall be read together with and deemed part of the Summary Proceedings Act 1957 (hereinafter referred to as the principal Act).

2. Court to which defendant to be committed—(1) The principal Act is hereby amended by repealing section 168A, and substituting the following section:

“168A. (1) Subject to subsection (2) of this section, the court to which a defendant shall be committed for trial under section 168 or section 172 of this Act shall be—

“(a) In respect of any offence that a District Court has jurisdiction to try by virtue of section 28A of the District Courts Act 1947, the District Court exercising that jurisdiction nearest to the committing Court; or

“(b) In respect of any other offence, the High Court at the place where sittings of that Court are held nearest to the committing Court.

“(2) The Court to which a defendant shall be committed for trial under section 168 or section 172 of this Act shall be the High Court nearest to the committing Court where—

“(a) The defendant has been charged with some other person or persons in respect of offences arising from the same incident or series of incidents and in respect of at least one of which charges the committal must by virtue of subsection (1) of this section be to the High Court; or

“(b) The defendant has been charged with offences arising from the same incident or series of incidents and in respect of at least one of which charges the committal must by virtue of subsection (1) of this section be to the High Court.

“(3) Notwithstanding that a defendant has been committed to the High Court for trial pursuant to subsection (2) of this section, a Judge of the High Court may direct that any indictment that may be tried in a District Court under section 28A of the District Courts Act 1947 be tried in that Court.

“(4) Nothing in this section shall affect the provisions of section 28J of the District Courts Act 1947.”

(2) Section 12 of the Summary Proceedings Amendment Act 1980 is hereby consequentially repealed.