



ANALYSIS

Title
1. Short Title

2. Right of appeal against decisions relating to publication of reports of proceedings or identifying particulars
3. High Court's powers to clear Court and forbid report of proceedings

1985, No. 191

An Act to amend the Summary Proceedings Act 1957

[17 December 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. 5) 1985, and shall be read together with and deemed part of the Summary Proceedings Act 1957 (hereinafter referred to as the principal Act).

2. Right of appeal against decisions relating to publication of reports of proceedings or identifying particulars—The principal Act is hereby amended by inserting, after section 115B (as inserted by section 12 (1) of the Summary Proceedings Amendment Act 1976), the following section:

“115c. (1) The applicant for an order under paragraph (a) or paragraph (b) of section 138 (2), or under section 140, of the Criminal Justice Act 1985 forbidding publication of any report of the proceedings or of any identifying particulars, or the informant may appeal to the High Court against the District Court's decision in respect of the application.

“(2) Where the decision is to refuse to make the order sought, the District Court shall, on being satisfied that an appeal against that decision is to be brought under this section, make an interim order to the effect sought by the applicant; and that interim order shall continue in force—

“(a) Until the expiry of the period prescribed by section 116 of this Act for the filing of notice of the appeal; or

“(b) If notice of the appeal is filed within that prescribed period, until the appeal is finally disposed of, or withdrawn, or abandoned.

“(3) The provisions of sections 116 to 144 of this Act, as far as they are applicable and with the necessary modifications, shall apply to any such appeal as if the decision of the District Court were an order made on sentence.”

(2) Section 115 (4) of the principal Act is hereby amended by inserting, after the words “or section 115B” (as inserted by section 12 (2) of the Summary Proceedings Amendment Act 1976), the words “or section 115C”.

(3) Section 116 (1) of the principal Act is hereby amended by inserting, before the words “The appellant”, the words “Subject to subsection (1A) of this section,”.

(4) Section 116 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) In the case of an appeal under section 115C of this Act, the notice of appeal required by subsection (1) of this section shall be filed within 3 days after the date of the decision against which the appeal is brought.”

(5) Section 116 (3) of the principal Act is hereby amended by adding the words “, and subsection (1A) of this section shall be read as if for the words ‘3 days’ there were substituted the words ‘10 days’ ”.

3. High Court’s powers to clear Court and forbid report of proceedings—Section 122 of the principal Act is hereby repealed.