1998/234

COMMUNITY MAGISTRATES REGULATIONS 1998

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 17th day of August 1998

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 123 of the District Courts Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
2. Publicity
3. Assessment of applicants for appointment
4. Panel
5. Recommendations of panel
6. Course of training
7. Designations
8. Advice of Minister
9. Procedure

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Community Magistrates Regulations 1998.

(2) These regulations come into force on 21 September 1998.

2. Publicity—Where it is proposed to appoint a Community Magistrate (other than the Chief Community Magistrate), the Secretary for Justice must, by such publicity as the Secretary for Justice considers appropriate, give notice of—

(a) The proposal to appoint a Community Magistrate; and

(b) The manner in which any person wishing to be appointed as a Community Magistrate may apply to be appointed; and

(c) The manner in which applications are to be processed.

3. Assessment of applicants for appointment—The Secretary for Justice (or such persons as the Secretary for Justice nominates for the purpose) must—

(a) Assess the applicants for appointment as Community Magistrates; and

(b) Include on a short list the names of the applicants who are to be interviewed.

4. Panel—(1) The interviews must be conducted by a panel consisting of—

(a) The Secretary for Justice or his or her nominee:

(b) The Chief District Court Judge or a District Court Judge nominated by the Chief District Court Judge:

(c) The Chief Community Magistrate:

(d) The President of the New Zealand Law Society or his or her nominee.

(2) The Secretary for Justice must convene the panel.

(3) The quorum necessary for the transaction of business at any meeting of a panel is 2 members, 1 of whom must be the Chief District Court Judge or his or her nominee or the Chief Community Magistrate.

5. Recommendations of panel—When the panel has completed its assessment of the applicants, the panel must give to the Minister of Justice the names of those applicants whom the panel considers provisionally to be persons qualified for appointment as Community Magistrates and must recommend that the Minister of Justice approve those persons as persons suitable to undertake a course of training.

6. Course of training—The persons approved pursuant to the recommendation made under regulation 5 must, before being designated under regulation 7 as persons qualified for appointment as Community Magistrates, complete satisfactorily a course of training, approved by the Chief District Court Judge, in relation to the discharge of the duties of a Community Magistrate.

7. Designations—(1) Where the Chief District Court Judge certifies that a person approved pursuant to the recommendation made under regulation 5 has completed the course of training satisfactorily, the Secretary for Justice must report to the Minister of Justice that that person has been designated as a person qualified for appointment as a Community Magistrate.

(2) Where the Chief District Court Judge certifies that a person approved pursuant to the recommendation made under regulation 5 has not completed the course of training satisfactorily, the Secretary for Justice must inform that person accordingly.

8. Advice of Minister—The Minister of Justice must consider the names of the persons designated under regulation 7 (1) as persons qualified for appointment as Community Magistrates and must advise the Governor-General which of those persons the Minister of Justice recommends for appointment as Community Magistrates.

9. Procedure—Subject to these regulations, the panel convened under regulation 4 may regulate its procedure in such manner as it thinks fit.

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 21 September 1998, specify the manner in which persons may be designated as persons qualified for appointment as Community Magistrates. These regulations do not apply in relation to the Chief Community Magistrate.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette:* 20 August 1998.
These regulations are administered in the Ministry of Justice.