

Hon. Mr. W. C. Walker.

INDICTABLE OFFENCES SUMMARY JURISDICTION
AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>EXTENDED SUMMARY JURISDICTION OF STIPENDIARY MAGISTRATES SITTING ALONE.</p> <p>2. Additional offences which may be dealt with by Magistrate alone. Attempted suicide. Mischief as to animals. Mischief as to property. False pretence. Summary trial, with consent, of adult.</p> <p>3. When such extended summary jurisdiction not to be exercised.</p>	<p>ATTEMPTS.</p> <p>4. Attempts to commit offences may be dealt with summarily.</p> <p>5. Provisions applied to attempts. Punishment.</p> <p>MISCELLANEOUS.</p> <p>6. Limit of time for commencing prosecution abolished, except as to assaults.</p> <p>7. In offences against girls, age raised to sixteen.</p> <p>8. Amendment as to summary trial of juvenile offenders.</p> <p>9. Section 69 of principal Act amended.</p> <p>10. Costs in cases of summary conviction.</p> <p>11. Fees not to be taken in any proceedings.</p>
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A BILL INTITULED

AN ACT to amend the Law relating to Summary Jurisdiction with respect to Indictable Offences.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is “The Indictable Offences Summary Jurisdiction Amendment Act, 1898,” and it shall form part of and be read together with “The Indictable Offences Summary Jurisdiction Act, 1894” (hereinafter called “the original Act”).

EXTENDED SUMMARY JURISDICTION OF STIPENDIARY MAGISTRATES SITTING ALONE.

2. A Magistrate sitting alone may, if he thinks it expedient so to do, having regard to the character and antecedents of the person charged, the nature of the offence, and all the circumstances of the case, deal summarily with the following offences, that is to say:—

- (1.) The offence of attempting to commit suicide: Attempted suicide.
- (2.) The offence of mischief in relation to any animal which, by paragraph (b) of subsection one of section thirty-one of the original Act, is excluded from the operation of that section: Mischief as to animals.
- (3.) The offence of mischief in relation to property mentioned in paragraph (f) of subsection four of section thirty-one of the original Act, where the value of the damage is not less than *five* pounds nor more than *twenty* pounds: Mischief as to property.

False pretence.

(4.) Any offence in relation to property mentioned in section forty-eight of the original Act, where the value of the property forming the subject-matter of the offence exceeds *forty* shillings but does not exceed *twenty* pounds :

Summary trial, with consent, of adult.

(5.) Any offence in relation to property mentioned in sections fifty-one or fifty-two of the original Act, where the value of the property forming the subject-matter of the offence exceeds *five* pounds but does not exceed *twenty* pounds :

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And may adjudge the offender (whether an adult or a minor) to be imprisoned with or without hard labour for any term not exceeding *twelve* months, or to pay a fine not exceeding *forty* pounds.

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When such extended summary jurisdiction not to be exercised.

3. The extended summary jurisdiction conferred on the Magistrate by the *last-preceding* section hereof shall in no case be exercised by him—

(1.) Except with the consent of the person charged, and for the purposes of such consent the provisions of section fifty-one of the original Act shall, *mutatis mutandis*, apply ; nor

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(2.) Where it appears to the Magistrate that the offence is one which, owing to a previous conviction on indictment, is punishable by law with imprisonment with hard labour for three years or upwards.

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ATTEMPTS.

Attempts to commit offences may be dealt with summarily.

4. The attempt to commit any specified offence that may be dealt with summarily shall itself be an offence that may be dealt with summarily.

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Provisions applied to attempts.

5. All the provisions of the original Act or this Act relating to any such specified offence shall, *mutatis mutandis*, extend and apply to the attempt to commit such offence :

Punishment.

Provided that, except where otherwise prescribed by the original Act, the punishment for the attempt to commit any such specified offence shall not exceed one-half the punishment for actually committing such offence.

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MISCELLANEOUS.

Limit of time for commencing prosecution abolished, except as to assaults.

6. Section four of the original Act is hereby amended by *substituting the words "twelve months" in lieu of the words "six months."*

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Struck out.

omitting therefrom all reference to the limit of time within which every prosecution shall be commenced :

Provided that nothing contained in this section shall be deemed to affect the limit of time mentioned in section twenty of the original Act in cases of assault.

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in offences against girls, age raised to sixteen.

7. Sections twenty-two, twenty-seven, and twenty-eight of the original Act, relating to offences against girls, are hereby amended by substituting the word "sixteen" in lieu of the word "fifteen" wherever the latter word occurs therein.

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Amendment as to summary trial of juvenile offenders.

8. Subsection one of section fifty-four of the original Act, relating to the summary trial of juvenile offenders with their consent, is hereby amended as follows :—

(1.) As to paragraph (b) thereof: By including therein offences in relation to railways mentioned in section three hundred and twelve of "The Criminal Code Act, 1893," and in section six of "The Criminal Code Act Amendment Act, 1896"; and also

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(2.) As to paragraph (d) thereof: By omitting therefrom all reference to the value of the property forming the subject-matter of the offence.

9. Section sixty-nine of the original Act is hereby amended by substituting the word "hereinafter" in lieu of the word "hereinbefore."
Section 69 of principal Act amended.

10. The provisions of section eighty-six of "The Justices of the Peace Act, 1882," with respect to the ordering of costs in cases of summary conviction, shall apply in all cases of summary convictions under the original Act or this Act.
Costs in cases of summary conviction.

11. The fees prescribed to be taken under "The Justices of the Peace Act, 1882," in proceedings before Justices, shall not be taken in respect of any proceedings under the original Act or this Act.
Fees not to be taken in any proceedings.