

Summary Proceedings Amendment Act 2004

Public Act 2004 No 47
Date of assent 19 May 2004

Contents

	Page
1 Title	1
2 Commencement	2
3 New heading to Part 7 substituted	2
4 No action against District Court Judge or Justice or Community Magistrate unless act in excess of jurisdiction or without jurisdiction	2
5 No action against District Court Judge or Justice or Community Magistrate to be brought in District Court	2
6 Onus of proof	2
7 Plaintiff may be ordered to give security for costs	2
8 Section 196A repealed	3

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Summary Proceedings Amendment Act 2004.
- (2) In this Act, the Summary Proceedings Act 1957 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 New heading to Part 7 substituted

The principal Act is amended by repealing the heading to Part 7, and substituting the following heading: “Protection of Justices and Community Magistrates”

4 No action against District Court Judge or Justice or Community Magistrate unless act in excess of jurisdiction or without jurisdiction

- (1) The heading to section 193 of the principal Act is amended by omitting the words “District Court Judge or”.
- (2) Section 193(1) of the principal Act is amended by omitting the words “District Court Judge or”.
- (3) Section 193(2) of the principal Act is amended—
 - (a) by omitting the words “by a District Court Judge or”:
 - (b) by omitting in each place where they occur the words “District Court Judge or”.

5 No action against District Court Judge or Justice or Community Magistrate to be brought in District Court

- (1) The heading to section 194 of the principal Act is amended by omitting the words “District Court Judge or”.
- (2) Section 194 of the principal Act is amended by omitting the words “District Court Judge or” in both places where they occur.

6 Onus of proof

Section 195 of the principal Act is amended by omitting the words “District Court Judge or” in both places where they occur.

7 Plaintiff may be ordered to give security for costs

Section 196 of the principal Act is amended by omitting the words “District Court Judge or” in each place where they occur.

8 Section 196A repealed

Section 196A of the principal Act is repealed.

Legislative history

12 May 2004

Divided from Judicial Matters Bill (Bill 71-2) as
Bill 71-3J

13 May 2004

Third reading
