



Summary Proceedings Amendment Act (No 2) 2010

Public Act 2010 No 121
Date of assent 29 October 2010
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- Title**
This Act is the Summary Proceedings Amendment Act (No 2) 2010.
- Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Summary Proceedings Act 1957.

4 Amendments to Schedule 1

The item relating to Part 10 of the Crimes Act 1961 in Part 1 of Schedule 1 is amended by—

- (a) omitting “223(a) to (c)” in each place where it appears and substituting in each case “223(a) to (d)”; and
- (b) omitting “241(a) and (b)” and substituting “241(a) to (c)”; and
- (c) omitting “247(a) and (b)” and substituting “247(a) to (c)”.

5 Criminal process not to be held null or invalid

- (1) Nothing done in any court at any time on or after 26 June 2008 and before the date on which this Act comes into force in respect of an offence against section 223(d), 241(c), or 247(c) of the Crimes Act 1961 is a nullity or otherwise invalid only because, at the time it was done, section 223(d), 241(c), or 247(c) (as the case may be) was not referred to in Part 1 of Schedule 1 of the Summary Proceedings Act 1957.
- (2) Nothing done in any court at any time on or after 26 June 2008 and before the date on which this Act comes into force in respect of an offence against section 223(d), 241(c), or 247(c) of the Crimes Act 1961 is a nullity or otherwise invalid only because of the operation of section 4 of this Act.

6 Section 5 not to apply to certain legal proceedings

Section 5 does not apply to the following legal proceedings:

- (a) any appeal from the decision in *NZ Police v Selwen* (District Court, Hamilton, CRI 2010-019-003388, 21 June 2010, Marshall DCJ); or
- (b) any other legal proceedings that expressly challenge the validity of a conviction for an offence against section 223(d), 241(c), or 247(c) of the Crimes Act 1961 on the ground that that provision was not referred to in Part 1 of Schedule 1 of the Summary Proceedings Act 1957 at the date of that conviction, if those proceedings were

commenced, and contained that ground, before the date on which this Act receives the Royal assent.

Legislative history

28 October 2010	Introduction (Bill 228–1), first reading, second reading, committee of the whole House, third reading
29 October 2010	Royal assent

This Act is administered by the Ministry of Justice.
