

*Hon. Mr. Buckley.*

## INDICTABLE OFFENCES ACTS REPEAL.

### ANALYSIS.

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| Title.<br>1. Short Title. Commencement.<br>2. Repeal. Saving clause.<br>3. References to repealed Acts to apply to Criminal Code. | 4. Trial of offences committed before this Act comes into force. Schedule. |
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### A BILL INTITULED

AN ACT to repeal certain Acts, Ordinances, and Enactments which are consolidated in an Act intituled "The Criminal Code Act, 1888." Title.

5 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 Acts Repeal Act, 1888." It shall come into operation simultaneously with "The Criminal Code Act, 1888." Short Title.  
Commencement.

10 2. The Acts and parts of Acts mentioned in the Schedule hereto shall be repealed to the extent stated therein: Repeal.

But such repeal shall not affect the validity, invalidity, effect, or consequences of any act done duly, or of any warrant or instrument duly made or granted, before the commencement of this Act, or any right or title, liability, privilege, or protection, acquired or existing in respect of any matter or thing committed or done before the commencement of this Act, or any remedy, action, prosecution, or other proceeding commenced before the commencement of this Act, or thereafter commenced in respect of any such matter or thing: Saving clause.

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20 Provided that, where an enactment hereby repealed has altered or abolished any rule of the common law as to procedure or otherwise, the repeal of such enactment by this Act shall not be deemed to restore such rule of the common law.

Provided also that where, in any enactment not hereby repealed, any larceny or stealing, or embezzlement, or obtaining by any false pretence, or any attempt to commit larceny or attempt to steal, or to embezzle, or to obtain by any false pretence, is made punishable on summary conviction, such enactment shall be held to apply to theft or stealing, or obtaining by a false pretence, or an attempt to commit theft or stealing, or to obtain by a false pretence, as defined by this Act. 5

References to repealed Acts to apply to Criminal Code.

3. Where in any unrepealed Act, Proclamation, Order in Council, or in any legal or other document, warrant, writ, process, or other instrument, reference is made to any Act or enactment repealed by this Act, such reference shall be construed and shall operate as if such reference had been made to the provision of "The Criminal Code Act, 1888," corresponding to the Act or enactment so referred to. 10

Trial of offences committed before this comes into force.

4. Every offence committed before the commencement of "The Criminal Code Act, 1888," shall be determined and punished, and, subject to the provisions of section *three* of that Act, shall be inquired into and tried, as if the said Acts or enactments repealed by this Act had not been so repealed. 15

Schedule.

#### SCHEDULE.

EVERY description or citation of a portion of an Act is inclusive of the first and last words, section, or other portion of the Act so described or cited.

The Imperial Acts are herein cited from the revised edition of the Statutes of the Realm.

NOTE.—The Acts repealed in this Schedule are all provided for in the Criminal Code; the exceptions mentioned in the Schedule are explained by remarks in the third column of the Schedule.

#### ACTS AND PARTS OF ACTS REPEALED.

##### PART I.

*Acts of the Parliaments of England, Great Britain, and the United Kingdom.*

		Remarks on the Exceptions mentioned in the Schedule.
5 and 6 Edw. VI., c. 11	An Act for the punishment of divers treasons.	
5 Eliz., c. 9 ...	An Act for the punishment of such persons as shall procure or commit wilful perjury.	
8 Eliz., c. 2 ...	An Act whereby the defendant may recover his costs being wrongfully vexed. <i>In part</i> —that is to say, section three. <sup>(a)</sup>	<sup>(a)</sup> Penalty for causing arrest of persons in the name of fictitious plaintiffs.
7 and 8 Will. III., c. 3	An Act for regulating trials in cases of treason and misprision of treason.	
9 Will. III., c. 35	An Act for the more effectual suppressing of blasphemy and profaneness.	
11 Will. III., c. 7	An Act for the more effectual suppression of piracy. The whole, <i>except</i> sections eleven and twelve. <sup>(b)</sup>	<sup>(b)</sup> Rewards to wounded in defending ship from piracy.
1 Geo. I., st. 2, c 5	An Act for preventing tumults and riotous assemblies, and for the more speedy and effectual punishing the rioters. <i>In part</i> —that is to say, section one, from "that if any persons to the number of twelve or more" to "without benefit of clergy," and section five. <sup>(c)</sup>	<sup>(c)</sup> Definition of unlawful assembly and preventing the reading of Riot Act.

PART I.—continued.

Acts of the Parliament of England, Great Britain, and the United Kingdom—contd.

		Remarks on the Exceptions mentioned in the Schedule.
4 Geo. I., c. 11 ...	An Act of which the title begins with the words "An Act for the better preventing" and ends with the words "relating to pirates." <sup>(d)</sup>	<sup>(d)</sup> Robbery and piracy prevention.
8 Geo. I., c. 24 ...	An Act for the more effectual suppressing of piracy. <i>In part</i> —that is to say, sections one, three, and six. <sup>(e)</sup>	<sup>(e)</sup> Defining piracy and accessories, and penalty for discouraging defence against pirates.
12 Geo. I., c. 29	An Act to prevent frivolous and vexatious arrests.	
2 Geo. II., c. 25	An Act for the more effectual preventing and further punishment of forgery, perjury, and subornation of perjury, and to make it felony to steal bonds, notes, or other securities for payment of money.	
25 Geo. II., c. 37	An Act for better preventing the horrid crime of murder.	
12 Geo. III., c. 24	An Act for the better securing and preserving His Majesty's dock-yards, magazines, ships, ammunition, and stores.	
33 Geo. III., c. 67	An Act for better preventing offences in obstructing, destroying, or damaging ships or other vessels, and in obstructing seamen, keelmen, casters, and ships'-carpenters from pursuing their lawful avocations.	
36 Geo. III., c. 7	An Act for the safety and preservation of His Majesty's person and Government against treasonable and seditious practices and attempts.	
37 Geo. III., c. 70	An Act for the better prevention and punishment of attempts to seduce persons serving in His Majesty's forces by sea or land from their duty and allegiance to His Majesty, and to excite them to mutiny or disobedience.	
37 Geo. III., c. 123	An Act for more effectually preventing the administering or taking of unlawful oaths.	
39 and 40 Geo. III., c. 93	An Act for regulating trials for high treason and misprision of treason.	
52 Geo. III., c. 104	An Act to render more effectual an Act passed in the thirty-seventh year of His present Majesty for preventing the administering or taking of unlawful oaths.	
54 Geo. III., c. 146	An Act to alter the punishment in certain cases of high treason.	
57 Geo. III., c. 6	An Act of which the title begins with the words "An Act to make perpetual" and ends with the words "treasonable Practices and Attempts." <sup>(f)</sup>	<sup>(f)</sup> Relating to the person and security of the Sovereign.
1 and 2 Geo. IV., c. 88	An Act for the amendment of the law of rescue.	
7 Geo. IV., c. 64	An Act for improving the administration of criminal justice in England. <i>In part</i> , that is to say, sections one, two, three, five (so far as it relates to Justices), and twelve to thirty-two inclusive. <sup>(g)</sup>	<sup>(g)</sup> As to bail and place of trial of offences.

## PART I.—continued.

Acts of the Parliaments of England, Great Britain, and the United Kingdom—contd.

		Remarks on the Exceptions mentioned in the Schedule.
7 and 8 Geo. IV., c. 28	An Act for further improving the administration of justice in criminal cases in England. <i>In part</i> , that is to say, sections ten and eleven. <sup>(h)</sup>	( <sup>h</sup> ) Trial and punishment of previous offender or felon.
9 Geo. IV., c. 69	An Act for the more effectual prevention of persons going armed by night for the destruction of game. <i>In part</i> , that is to say, section nine. <sup>(i)</sup>	( <sup>i</sup> ) As to more than three persons with guns entering land for shooting rabbits.
7 Will. IV., and 1 Vict., c. 88	An Act to amend certain Acts relating to the crime of piracy.	
7 Will. IV., and 1 Vict., c. 90	An Act to amend the laws relative to offences punishable by transportation for life.	
5 and 6 Vict., c. 51	An Act for providing for the further security and protection of Her Majesty's person.	
7 and 8 Vict., c. 2	An Act for the more speedy trial of offences committed on the high seas.	
8 and 9 Vict., c. 68	An Act to stay execution of judgment for misdemeanours upon giving bail in error.	
16 and 17 Vict., c. 32	An Act to make further provision for staying execution of judgment for misdemeanours upon giving bail in error.	

## PART II.

Ordinance of the Legislative Council, and Acts of the General Assembly of New Zealand.

		Remarks on the Exceptions mentioned in the Schedule.
1845, Sess. 5, No. 8	An Ordinance of the Legislative Council of New Zealand, intituled "An Ordinance for bringing into operation within the colony certain Acts of the Imperial Parliament," so far as it adopts 4 and 5 Vict., c. 56—An Act for taking away the punishment of death in certain cases, and substituting other punishments in lieu thereof; and sections three, four, five, six, seven, and eight <sup>(j)</sup> of 6 and 7 Vict., c. 96—An Act to amend the law respecting defamatory words and libel.	( <sup>j</sup> ) As to pleas in libel actions.
1854, No. 1 ...	The English Acts Act, 1854, so far as it adopts the following Acts:— 11 and 12 Vict., c. 46—An Act for the removal of defects in the administration of criminal justice; and 14 and 15 Vict., c. 19—An Act for the better prevention of offences; and also 14 and 15 Vict., c. 100—An Act for further improving the administration of criminal justice, <i>except</i> as to sections twenty-two, twenty-seven, and thirty. <sup>(k)</sup>	( <sup>k</sup> ) As to trials in perjury and traversing indictments.

PART II.—continued.

Ordinance of the Legislative Council, and Acts of the General Assembly of New Zealand—continued.

		Remarks on the Exceptions mentioned in the Schedule.
1854, No. 9 ...	The Secondary Punishment Act, 1854. The whole Act, <i>except</i> sections six, seven, eight, nineteen, twenty, and twenty-one. <sup>(l)</sup>	<sup>(l)</sup> As to transportation and prerogative.
1855, No. 3 ...	The English Acts Act, 1855, so far as it adopts the Act 9 and 10 Vict., c. 24—An Act for removing some defects in the administration of criminal justice.	
1866, No. 1 ...	The Criminal Law Procedure Act, 1866.	
1866, No. 8 ...	The Indictable Offences Trials Act, 1866.	
1867, No. 2 ...	The Coinage Offences Act, 1867. The whole, <i>except</i> sections seventeen, twenty-two, twenty-three, twenty-six, twenty-seven, thirty-two, thirty-three, thirty-nine, and forty-one. <sup>(m)</sup>	<sup>(m)</sup> As to summary proceedings.
1867, No. 3 ...	The Larceny Act, 1867. The whole, <i>except</i> sections one, three, fourteen, fifteen, sixteen, eighteen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, thirty-four, thirty-five, sixty-five, sixty-six, ninety-six, one hundred and one, one hundred and two, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and seventeen, and one hundred and nineteen; and also sections twelve, seventeen, thirty-three, and thirty-six (so far as they respectively make any offence punishable on summary conviction; and sections sixty-two, sixty-seven, sixty-eight, eighty-seven, and eighty-eight, in so far as the offences therein mentioned are made punishable on summary conviction.	Ditto.
1867, No. 4 ...	The Forgery Act, 1867.	
1867, No. 5 ...	The Offences against the Person Act, 1867. The whole, <i>except</i> sections thirty-five, thirty-six, thirty-seven, thirty-nine, forty, forty-one, forty-two, forty-three, sixty-nine, seventy-three, and seventy-four.	Ditto.
1867, No. 6 ...	The Malicious Injuries to Property Act, 1867. The whole, <i>except</i> sections twenty-two, twenty-three, twenty-four, twenty-five, thirty-eight, forty-one, fifty-two, fifty-three, fifty-eight, fifty-nine, sixty-one, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-four, and seventy-six.	Ditto.
1867, No. 7 ...	The Accessories Act, 1867.	
1868, No. 5 ...	The Treason Felony Act, 1868.	
1868, No. 50 ...	The Law Amendment Act, 1868. <i>In part</i> —that is to say, section five. <sup>(n)</sup>	<sup>(n)</sup> Money found on prisoner convicted.
1870, No. 7 ...	The Vexatious Indictments Act, 1870.	

## PART II.—continued.

Ordinance of the Legislative Council, and Acts of the General Assembly of New Zealand—continued.

		Remarks on the Exceptions mentioned in the Schedule.
1870, No. 8 ...	The Larceny Act Amendment Act, 1870.	
1871, No. 48 ...	The Convicts' Forfeitures Act, 1871. <i>In part</i> —that is to say, sections two, three, and four. <sup>(o)</sup>	( <sup>o</sup> ) Abolition of forfeitures.
1872, No. 28 ...	The Criminal Law Amendment Act, 1872.	
1874, No. 4 ...	The Offences against the Person Act Amendment Act, 1874, <i>except</i> section six. <sup>(p)</sup>	( <sup>p</sup> ) Flogging for assaults on women.
1875, No. 23 ...	The Registration of Births and Deaths Act, 1875. <i>In part</i> —that is to say, section forty-five. <sup>(q)</sup>	( <sup>q</sup> ) Destroying or altering register-books.
1881, No. 7 ...	The Post Office Act, 1881. <i>In part</i> —that is to say, sections fifty-six (except so much as relates to secreting or destroying a post-letter), and sections fifty-seven and fifty-eight. <sup>(r)</sup>	( <sup>r</sup> ) Stealing letters or money therefrom.
1882, No. 15 ...	The Justices of the Peace Act, 1882. <i>In part</i> —that is to say, sections one hundred and fifty to one hundred and fifty-six, inclusive. <sup>(s)</sup>	( <sup>s</sup> ) Bail.
1882, No. 16 ...	The Stamp Act, 1882. <i>In part</i> —that is to say, section twenty-three. <sup>(t)</sup>	( <sup>t</sup> ) Forging dies, stamps, &c.
1882, No. 29 ...	The Supreme Court Act, 1882. <i>In part</i> —that is to say, the Code of Civil Procedure in the Schedule, Rule 568, so far as it applies to practice and procedure relating to offences for which the offender may be proceeded against by indictment.	
1882, No. 30 ...	The Court of Appeal Act, 1882. <i>In part</i> —that is to say, sections nineteen to twenty-two inclusive. <sup>(u)</sup>	( <sup>u</sup> ) Appeals and cases reserved.
1882, No. 33 ...	The Prisons Act, 1882. <i>In part</i> —that is to say, sections thirty-one, thirty-two, forty, forty-one, and sixty-two. <sup>(v)</sup>	( <sup>v</sup> ) Escapes.
1883, No. 31 ...	The Crown Grants Act, 1883. <i>In part</i> —that is to say, section fifty-nine. <sup>(w)</sup>	( <sup>w</sup> ) Forging <i>fac similia</i> signature of Governor.