

Hon. Mr. Rolleston.

JUSTICES OF THE PEACE AMENDMENT.

ANALYSIS.

| Title. | |
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| 1. Short Title. | 7. Discretion of Justices as to punishments in cases of indictable offences triable summarily extended to all other offences triable summarily. |
| 2. Women may be appointed Justices of the Peace. | 8. Extension of powers of Supreme Court on appeals from Justices. |
| 3. Criminal Record Book. Repeal. | 9. Section 206 of principal Act amended. |
| 4. Extending period for which person accused of indictable offence may be remanded by Justices. | 10. Person convicted of mischief may be ordered to pay compensation to owner of property destroyed or damaged. |
| 5. Repeal. Accused to be cautioned and allowed to make statement or give evidence on oath. Repeal. | 11. Section 219 of principal Act amended. |
| 6. In proceeding before Justices in respect of indictable offences no comment to be made on accused's refraining from answering the charge. | 12. Section 220 of principal Act amended. |
| | 13. Section 221 of principal Act amended. |
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A BILL INTITULED

AN ACT to amend the Justices of the Peace Act, 1908.

Title.

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

1. This Act may be cited as the Justices of the Peace Amendment Act, 1926, and shall be read together with and deemed part of the Justices of the Peace Act, 1908 (hereinafter referred to as the principal Act).
2. A woman shall not be disqualified by sex or marriage from being appointed to be, or from being by virtue of her holding any office, a Justice of the Peace.
3. (1.) If the Justices hearing any information convict the defendant, a minute or memorandum of such conviction shall be made in a register, in the form in the Schedule hereto, to be called the Criminal Record Book, and shall be signed by such Justices.
- (2.) Every such register, or any extract therefrom certified to be a true extract by the Clerk of the Court keeping the same, shall be sufficient evidence in any Court to prove such conviction.
- (3.) The conviction shall afterwards, when it becomes necessary, be drawn up by the Justices in the form No. 10 or No. 11 in the Second Schedule to the principal Act, and they shall cause the same to be lodged with the Registrar of the Supreme Court to be filed by him.

Repeal.

(4.) This section is in substitution for section seventy-four of the principal Act, and that section is hereby accordingly repealed.

Extending period for which person accused of indictable offence may be remanded by Justices.

4. Subsection one of section one hundred and forty-four of the principal Act is hereby amended by omitting the words " for such time as the Justices in their discretion deem reasonable, not exceeding eight clear days " ; and by adding the words " Except with the consent of the party accused and of the prosecutor, no such remand shall be for a longer period than eight days. "

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Repeal.

5. (1.) Section one hundred and forty-eight of the principal Act is hereby repealed and the following section substituted therefor :—

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Accused to be cautioned and allowed to make statement or give evidence on oath.

" 148. (1.) When the examination of the witnesses on the part of the prosecution has been completed the Justices before whom such examination was so completed shall, if the accused so desires, and without requiring the attendance of witnesses, read or cause to be read to the accused the depositions taken against him.

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" (2.) In every case where the accused is not defended by a barrister or by a solicitor the Justices shall cause the following caution, or words to the like effect, to be addressed to him :—

" " Having heard the evidence against you, do you wish to say anything in answer to the charge by way of evidence on oath or otherwise ? If you give evidence on oath you may be cross-examined. You are not obliged to say anything in answer to this question, and if you refrain from doing so that fact will not be allowed to be the subject of any comment. Further, you are clearly to understand that you have nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been held out to induce you to make any admission or confession of your guilt ; but that whatever you now say will be taken down in writing and may be given in evidence against you upon your trial, notwithstanding such promise or threat. ' "

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Repeal.

(2.) Section ten of the Justices of the Peace Amendment Act, 1923, is hereby repealed.

In proceeding before Justices in respect of indictable offences no comment to be made on accused's refraining from answering the charge.

6. Where in any proceeding before Justices in respect of an indictable offence any person charged with such offence refrains from saying anything in answer to the charge either by way of unsworn statement or by evidence on oath no comment adverse to him shall be allowed to be made thereon.

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Discretion of Justices as to punishments in cases of indictable offences triable summarily extended to all other offences triable summarily.

7. The power (in respect of the summary trial of indictable offences) conferred on Justices by section one hundred and eighty-three of the principal Act to sentence any person to pay a fine not exceeding fifty pounds instead of sentencing him to imprisonment is hereby extended to empower Justices to impose such a fine in all other cases triable by them in which the only penalty provided by law is imprisonment with or without hard labour.

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Extension of powers of Supreme Court on appeals from Justices.

8. Section two of the Justices of the Peace Amendment Act, 1923, is hereby amended by adding the words " or to confirm, reverse, cancel, or modify any other penalty. "

Section 206 of principal Act amended.

9. Section two hundred and six of the principal Act is hereby amended as follows :—

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(a.) By omitting the words " over and above the amount of the injury done " wherever they occur in that section :

(b.) By omitting from paragraph (e) the words "one month's imprisonment," and substituting the words "fourteen days' imprisonment."

10. (1.) Where any person is convicted of the offence of mischief
 5 under section one hundred and seventy-nine or section two hundred
 and six or section two hundred and eight of the principal Act the
 convicting Magistrate or Justices may, in addition to imposing any
 penalty under those sections, order the person so convicted to pay to the
 owner of the property destroyed or damaged a sum not exceeding *twenty*
 10 pounds by way of compensation for such destruction or damage, and all
 moneys so ordered to be paid shall be recoverable in the same manner
 as fines are recoverable :

Person convicted of mischief may be ordered to pay compensation to owner of property destroyed or damaged.

Provided that where any person is convicted under subpara-
 graph (vi) of the said section two hundred and six no greater amount
 15 than *five* pounds shall be so ordered to be paid as compensation.

(2.) The making or enforcement of an order under the *last*
preceding subsection shall not affect the right of the owner or of any
 other person to recover by civil action any damages in excess of the
 amount specified in the order.

20 11. Section two hundred and nineteen of the principal Act is
 hereby amended as follows :—

Section 219 of principal Act amended.

(a.) By omitting the words "over and above the value of the
 object stolen if such object is" wherever they occur in that
 section, and in each case substituting the words "if the object
 25 stolen is":

(b.) By omitting from paragraph (b) the words "one month's
 imprisonment," and substituting the words "fourteen days'
 imprisonment."

30 12. Section two hundred and twenty of the principal Act is hereby
 amended by omitting the words "over and above the value of the
 said articles."

Section 220 of principal Act amended.

35 13. Section two hundred and twenty-one of the principal Act is
 hereby amended by omitting the words "over and above the value of
 such thing; which shall, by order of the Justices, be delivered over to
 the rightful owner thereof." and substituting the words "On the
 conviction of any person the Justices shall order the thing in respect of
 which the offence was committed to be delivered over to the rightful
 owner thereof."

Section 221 of principal Act amended.

40 14. Section two hundred and twenty-two of the principal Act is
 hereby amended by omitting the words "over and above the value of
 the object stolen if such object," and substituting the words "if the
 object stolen."

Section 222 of principal Act amended.

Schedule.

SCHEDULE.
CRIMINAL RECORD BOOK.
Record of Convictions in Summary Proceedings before Justices at

| Date, 19 . | Number. | Prosecutor. | Persons charged. | Offence. | Plea. | Decision. | Date of Issue of Warrant of Distress. | Date of Issue of Warrant of Imprison- ment. | Stamps. |
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By Authority : W. A. G. SKINNER, Government Printer, Wellington,—1926.