1970/52

THE SUMMARY PROCEEDINGS REGULATIONS 1958, AMENDMENT NO. 6

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 23rd day of March 1970

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Summary Proceedings Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. **Title and commencement**—(1) These regulations may be cited as the Summary Proceedings Regulations 1958, Amendment No. 6, and shall be read together with and deemed part of the Summary Proceedings Regulations 1958* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1970.

2. **Order for detention in psychiatric hospital pending trial**—The principal regulations are hereby amended by inserting, after regulation 15, the following heading and regulation:

"*Order for Detention in Psychiatric Hospital Pending Trial*

"15A. (1) If, under the proviso to section 171 (3) of the Act, the Court, instead of issuing a warrant, makes an order in form 43A in the First Schedule hereto for a person's detention in a psychiatric hospital pending his trial, a copy of the order shall be sent to the Superintendent of the prison nearest to the place where the trial is to be held.

"(2) The Superintendent of the prison shall include the person's name in the calendar delivered to the Supreme Court under section 39 of the Penal Institutions Act 1954."

3. **New form 43A inserted**—The principal regulations are hereby amended by inserting in the First Schedule, after form 43, the form 43A set out in the Schedule to these regulations.

*S.R. 1958/38
Amendment No. 1: (*Revoked by S.R. 1967/251*)
Amendment No. 2: (*Revoked by S.R. 1965/116*)
Amendment No. 3: S.R. 1965/116
Amendment No. 4: S.R. 1967/251
Amendment No. 5: S.R. 1969/275

SCHEDULE

New Form

"Form 43A

No. .... /19......

Order for Person's Detention in Psychiatric Hospital Pending Trial

Section 171, Summary Proceedings Act 1957

To every constable (*or* to [*Full name*], constable), and to the superintendent of the .... hospital:

At the preliminary hearing of a charge (*or* charges) against [*Full name*] (hereinafter called the defendant), of [*Here set out the substance of the charge(s)*] the defendant was, pursuant to the provisions of the Summary Proceedings Act 1957, this day committed by me (us) to the Supreme Court for trial.

I am (*or* we are) satisfied, on the production of a certificate (*or* certificates) by two medical practitioners, that the defendant is mentally disordered within the meaning of the Mental Health Act 1969 and that his mental condition requires that in his own interest he should be detained in a psychiatric hospital within the meaning of that Act instead of in a prison, and have made an order for his detention pending his trial.

I (*or* we) direct you, the said constable(s), to deliver the defendant to the .... hospital, and you, the said superintendent, to receive the defendant into your custody and to detain him pending his trial.

Dated at .... this .... day of .... 19.......

....
Magistrate
(*or* Justices of the Peace).

Memorandum:

The defendant is to stand his trial at the Supreme Court at ....

....
Registrar,
Magistrate's Court, ...
/ /19...........
[*Not printed*]"

P. J. BROOKS,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations prescribe the form of order to be made by a Court (under the proviso to section 171 (3) of the Summary Proceedings Act 1957, as enacted by section 4 of the Criminal Justice Amendment Act 1969) where, being satisfied that the mental condition of a defendant committed for trial requires his detention in a psychiatric hospital instead of in a prison, the Court makes an order for such detention pending the defendant's trial.

A copy of the order is to be sent to the Superintendent of the prison nearest to the place where the trial is to be held, and he is to include the defendant's name in the calendar of persons committed for trial.