Reprint as at 1 January 2018

District Courts Amendment Act 1998

Public Act 1998 No 76 Date of assent 30 June 1998

District Courts Amendment Act 1998: repealed, on 1 January 2018, pursuant to section 240 of the District Court Act 2016 (2016 No 49).

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An Act to amend the District Courts Act 1947 for the purpose of providing for the appointment of judicial officers, to be known as Community Magistrates, and of specifying their jurisdiction, functions, and powers

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered by the Ministry of Justice and Department for Courts.

Note

1 Short Title and commencement

- (1) This Act may be cited as the District Courts Amendment Act 1998, and is part of the District Courts Act 1947 ("the principal Act").
- (2) This Act comes into force on the date on which this Act receives the Royal assent.

2 Interpretation

This section inserted the definition of the term Community Magistrate in s 2(1) of the principal Act.

3 New heading and sections inserted

This section inserted sections 11A to 11G, and preceding heading, of the principal Act.

4 Place of sittings

This section amended section 21(3) of the principal Act.

5 Times of sittings

This section amended section 22(2) of the principal Act.

6 Persons who may take affidavits, etc

This section amended section 56 of the principal Act.

7 Consequential amendments

The enactments specified in the Schedule are amended in the manner indicated in that schedule.

Schedule Enactments amended

Section 7

Title of Act	Amendment	
1908, No 33—The Crown Grants Act 1908 (RS Vol 2, p	By repealing subsection (4) of section 45 and substituting the following subsection:	
1)	(4) The said fees are recoverable in a summary way by the Director-General on complaint before—	
	(a) A District Court Judge; or	
	(b) Any 2 Justices who, for the purpose of hearing any such complaint, have the same powers and jurisdiction in all respects as Justices have in the case of complaints made under the Summary Proceedings Act 1957; or	

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	(c) Any one or more Community Magistrates who, for the purpose of hearing any such complaint, have the same powers and jurisdiction in all respects as 2 or more Justices have in the case of complaints made under the Summary Proceedings Act 1957.
	By inserting in the form numbered (2) in Schedule 2, after the words "New Zealand", the expression "[or a Community Magistrate]".
	By adding to the form numbered (2) in Schedule 2, after the words "Justice of the Peace", the expression "[or Community Magistrate]".
1908, No 56—The Evidence Act 1908 (RS Vol 28, p 451)	By inserting in the definition of the term Judge in section 2, after the word "Peace", the words "or any Community Magistrate or Community Magistrates".
	By inserting in section 16(1), after the word "Justices", the words "or the Community Magistrate or Community Magistrates".
	By inserting in section 17(1), after the words "before Justices,", the words "or before any Community Magistrate or Community Magistrates,".
	By inserting in section 17(1), after the words "or Justices", the words "or Community Magistrate or Community Magistrates".
1908, No 81—The Industrial and Provident Societies Act 1908 (RS Vol 7, p 407)	By adding to section 16(d) the words "or one or more Community Magistrates."
1908, No 96—The Land Drainage Act 1908 (RS Vol 6, p 641)	By inserting in section 26, and also in section 53(2), after the word "Justice", the words "or Community Magistrate".
	By omitting from section 81 the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
	By inserting in section 84, after the word "Justices", the words "or one or more Community Magistrates".
1908, No 141—The Pawnbrokers Act 1908 (RS Vol 10, p 667)	By inserting in section 29, after the word "Justice" in both places where it appears, the words "or Community Magistrate".

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	By inserting in section 37(1), and also in section 37(3), after the words "District Court Judge,", the words "or one or more Community Magistrates".
	By inserting in section 40(1), after the word "Justice,", the words "Community Magistrate,".
	By inserting in section 41, after the word "Justices", the words "or any Community Magistrate or Community Magistrates".
	By inserting in the form numbered (4) in Schedule 2, after the words "Justices of the Peace for New Zealand", the words "or a Community Magistrate".
	By inserting in the form numbered (4) in Schedule 2, after the words "the said Justice", the words "or Community Magistrate".
	By adding to the form numbered (4) in Schedule 2, after the words "Justice of the Peace", the words "or Community Magistrate".
1908, No 165—The River Boards Act 1908 (RS Vol 10, p 765)	By inserting in section 123, after the word "Justices", the words "or before any Community Magistrate or Community Magistrates".
	By omitting from section 124 the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
1909, No 13—The Inferior Courts Procedure Act 1909 (RS Vol 28, p 667)	By inserting in section 2(c) (as enacted by section 82(2) of the Disputes Tribunals Act 1988), after the words "Justice of the Peace,", the words "Community Magistrate,".
	By inserting in section 12, after subsection (1), the following subsection:
	(1A) If any omission or mistake is made in any conviction or order drawn up by any Community Magistrate, and sufficient grounds were in proof before that Community Magistrate to have authorised the drawing up of that conviction or order free from that omission or mistake, that Community Magistrate may at any time thereafter, before the conviction or order has been quashed by a District Court presided over by a District Court Judge or by any other Court having jurisdiction in that

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	behalf, draw up an amended conviction or order in lieu of that in which the omission or mistake exists, and lodge the amended conviction or order with the Registrar of the District Court, to be filed by that Registrar in accordance with the Summary Proceedings Act 1957.
	By inserting in section 12(2), and also in section 12(3), after the words "Justice of the Peace", the words "or Community Magistrate".
1910, No 28—The Bylaws Act 1910 (RS Vol 1, p 411)	By repealing subsection (9) of section 12, and substituting the following subsection:
	(9) Every Court, District Court Judge, Justice of the Peace, or Community Magistrate must take judicial notice of every order so made by the High Court quashing or amending a bylaw or any part thereof.
1924, No 11—The Acts Interpretation Act 1924 (RS Vol 31, p 1)	By inserting in the definition of the term summary conviction in section 4, after the words "Justices of the Peace", the words "or one or more Community Magistrates".
	By inserting in section 25(d), after the words "Justice of the Peace", the words "or a Community Magistrate".
1941, No 12—The Soil Conservation and Rivers Control Act 1941 (RS Vol 36,	By omitting from section 158 the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
p 783)	By inserting in section 159, after the word "Justice", the words "or Community Magistrate".
1945, No 16—The Evidence Amendment Act 1945 (RS Vol 28, p 493)	By inserting in section 11(1)(f), after the word "Peace", the words "or Community Magistrate".
1949, No 19—The Forests Act 1949 (RS Vol 34, p 569)	By inserting in section 71B(1)(e) (as enacted by section 6(1) of the Forests Amendment Act 1983), after the words "Justice of the Peace,", the words "Community Magistrate,".
1950, No 54—The Crown Proceedings Act 1950 (RS Vol 2, p 23)	By inserting in the definition of the term officer in section 2(1), after the words "Justice of the Peace,", the words "Community Magistrate,".
	By inserting in the definition of the term servant in section 2(1) (as inserted by section 2 of the Crown

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	Proceedings Amendment Act 1958), after the words "Justice of the Peace,", the words "Community Magistrate,".
	By inserting in section 21(1), after the word "Justice", the words "or Community Magistrate".
	By omitting from section 21(2) the words "or Justice", and substituting the words "Justice, or Community Magistrate".
	By omitting from the form numbered (3) in Schedule 3 the words "or Justice", and substituting the words "Justice, or Community Magistrate".
1953, No 31—The Wildlife Act 1953 (RS Vol 7, p 819)	By inserting in the proviso to section 39(1), after the word "Justice", the words "or Community Magistrate".
1953, No 88—The Physiotherapy Amendment Act 1953 (RS Vol 35, p 565)	
1957, No 19—The Explosives Act 1957 (RS Vol 6, p 361)	By inserting in section 9(3), after the word "Justice", the words "or Community Magistrate".
	By inserting in section 9(4), after the words "Justice of the Peace", the words "or Community Magistrate".
	By inserting in section 9(4), after the words "the Justice", the words "or Community Magistrate".
1958, No 109—The Police Act 1958 (RS Vol 26, p 669)	By omitting from section 38(1), and also from section 38(2), the words "or Justice", and substituting in each case the words ", Justice, or Community Magistrate".
	By inserting in subsection (1) of section 39 (as amended by section 2(1) of the Police Amendment Act 1995), and also in subsection (2) of that section (as so amended), after the word "Justice,", the words "Community Magistrate,".
	By inserting in section 50(2), after the word "Justice", the words "or Community Magistrate".
	By inserting in section 58(1), after the word "Justice", the words "or Community Magistrate".
1960, No 30—The Animals Protection Act 1960 (RS Vol 6 p 1)	By inserting in the proviso to section 10(1), after the word "Justice", the words "or Community Magistrate".
	By inserting in section 10(3), after the word "Justice", the words "or Community Magistrate".

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	By inserting in the proviso to section 10(5), after the word "Justice", the words "or Community Magistrate".
1962, No 135—The Transport Act 1962 (RS Vol 16, p 659)	By inserting in section 194(2) (as substituted by section 26 of the Transport Amendment Act 1968), after the words "Justices of the Peace", the words "or one or more Community Magistrates".
1965, No 23—The Radiation Protection Act 1965 (RS Vol	By inserting in section 24(2), after the words "Justice of the Peace", the words "or Community Magistrate".
18, p 673)	By inserting in section 24(2), after the words "the Justice", the words "or Community Magistrate".
1965, No 44—The Extradition Act 1965 (RS Vol 18, p 113)	
1967, No 129—The Costs in Criminal Cases Act 1967 (RS Vol 18, p 77)	By inserting in section 8(4), after the word "Justice", the words "or Community Magistrate".
	By inserting in section 20(1), after the words "Justice of the Peace", the words "or Community Magistrate".
241)	By inserting in section 20(1), after the words "the Justice", the words "or Community Magistrate".
1974, No 66—The Local Government Act 1974 (RS Vol 25, p 1)	
1975, No 1—The Statistics Act 1975 (RS Vol 26, p 791)	By inserting in section 35(3), after the word "Justice", the words "or Community Magistrate".
1977, No 84—The Gaming and Lotteries Act 1977 (RS Vol 33, p 17)	By omitting from section 117(1) the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
	By inserting in Schedule 1, after the words "Justice of the Peace", the words "or Community Magistrate".
1977, No 110—The Higher Salaries Commission Act 1977 (RS Vol 35, p 307)	By inserting in Schedule 4, after the item relating to the members and associate members of the Commerce Commission, the item "The Chief Community Magistrate."
1977, No 111—The Wild Animal Control Act 1977 (RS Vol 33, p 957)	By inserting in section 12(11), after the words "or Justice of the Peace" (as inserted by section 6 of the Wild Animal Control Amendment Act 1979), the words "or Community Magistrate".
	By inserting in section 13(6), and also in section 13(7), after the words "or Justice of the Peace" (as

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	inserted by section 6 of the Wild Animal Control Amendment Act 1979), the words "or Community Magistrate".
	By inserting in the proviso to section 14(2) after the words "or Justice of the Peace" (as inserted by section 6 of the Wild Animal Control Amendment Act 1979), the words "or Community Magistrate".
1978, No 13—The Massage Parlours Act 1978 (RS Vol 34, p 735)	By omitting from section 36, and also from section 37, the words "or Justice", and substituting in each case the words ", Justice, or Community Magistrate".
	By inserting in Schedule 1, and also in Schedule 2, after the words "Justice of the Peace", the words "or Community Magistrate".
1978, No 65—The Misuse of Drugs Amendment Act 1978 (RS Vol 26, p 618)	
1978, No 80—The Marine Mammals Protection Act 1978	By inserting in section 14(1), after the words "Justice of the Peace", the words "or Community Magistrate".
(RS Vol 34, p 709)	By inserting in section 14(1), after the words "the Justice", the words "or Community Magistrate".
1980, No 94—The Family Proceedings Act 1980 (RS Vol 28, p 545)	By inserting in section 138(3)(a), after the word "Justice", the words "or Community Magistrate".
1981, No 23—The Juries Act 1981	By omitting from section 8(c) the words "and District Court Judges", and substituting the words "District Court Judges, and Community Magistrates".
1981, No 28—The Boxing and Wrestling Act 1981	By inserting in section 9, after the word "Justice", the words "or Community Magistrate".
1983, No 14—The Fisheries Act 1983 (RS Vol 27, p 137)	By inserting in section 79(2), and also in section 79(2A)(b) (as inserted by section 23 of the Fisheries Amendment Act 1991), after the word "Justice" wherever it appears, the words "or Community Magistrate".
1986, No 5—The Commerce Act 1986 (RS Vol 31, p 71)	By omitting from section 98A(2) (as enacted by section 34 of the Commerce Amendment Act 1990) the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
1986, No 6—The Transport (Vehicle and Driver Registration and Licensing) Act 1986	By inserting in section 50A (as inserted by section 10 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1987), after the word

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	"Justices", the words "or one or more Community Magistrates".
1986, No 121—The Fair Trading Act 1986	By inserting in section 47(2) (as enacted by section 3 of the Fair Trading Amendment Act 1990), after the word "Justice,", the words "or Community Magistrate,".
1987, No 15—The Weights and Measures Act 1987	By omitting from section 28(3) the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
1987, No 178—The Fencing of Swimming Pools Act 1987	By inserting in the definition of the term judicial officer in section 2, after the word "justice,", the words "Community Magistrate,".
1988, No 97—The Rating Powers Act 1988	
1989, No 18—The Trade in Endangered Species Act 1989	By inserting in section 38(2), after the words "Justice of the Peace", the words "or Community Magistrate".
1989, No 24—The Children, Young Persons, and Their Families Act 1989	By inserting in section 39(1), and also in section 40(1), after the word "Justice", the words "or any Community Magistrate".
	By inserting in section 278(1), after the word "Justice", the words "or Community Magistrate".
	By inserting in section 321(5) (as added by section 40 of the Children, Young Persons, and Their Families Amendment Act 1994), after the word "Justice", the words "or Community Magistrate".
	By inserting in section 355(2)(c), after the word "Justices", the words "or Community Magistrate or Community Magistrates".
	By inserting in section 386(1), after the word "Justice", the words "or Community Magistrate".
	By inserting in subsections (2) to (4) of section 445B (as inserted by section 2(1) of the Children, Young Persons, and Their Families Amendment Act 1996), after the word "Justice," wherever it appears, the words "Community Magistrate,".
	By omitting from clause 2(d) of Schedule 1 the words "A Justice shall not", and substituting the words "Neither a Justice nor a Community Magistrate may".

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1989, No 63—The Sale of Liquor Act 1989	By inserting in section 173(1), after the word "Justices", the words "or any one or more Community Magistrates".
	By inserting in section 174(3), after the word "Justices", the words "or any one or more Community Magistrates".
	By repealing subsection (4) of section 174, and substituting the following subsection:
	(4) The Judge or the Justices or the Community Magistrate or Community Magistrates—
	(a) May revoke the order either unconditionally or subject to such conditions as the Judge or the Justices or the Community Magistrate or Community Magistrates may think fit to impose; or
	(b) May refuse to revoke the order.
	By omitting from section 177(1) the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
	By inserting in section 177(1), after the word "Justice," in the second place where it appears, the words "Community Magistrate,".
	By inserting in section 177(4), after the word "Justice,", the words "Community Magistrate,".
1989, No 80—The Education Act 1989 (RS Vol 34, p 17)	By inserting in section 318(5), after the words "Justice of the Peace,", the words "Community Magistrate,".
1989, No 148—The Radiocommunications Act 1989	By omitting from section 120(3) the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
	By inserting in section 120(3), after the word "Justice," in the second place where it appears, the words "Community Magistrate,".
1990, No 98—The Civil Aviation Act 1990 (RS Vol 32 p 1)	By inserting in the definition of the term judicial officer in section 2, after the words "a Justice,", the words "a Community Magistrate,".
1990, No 127—The Commodity Levies Act 1990	By inserting in section 19(1), after the word "Justice," the words "a Community Magistrate,".

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	By inserting in the form of search warrant in the Schedule, after the words "Justice of the Peace <i>or</i> ", the words "Community Magistrate <i>or</i> ".
1991, No 69—The Resource Management Act 1991 (RS	By inserting in section 334(1), after the word "Justice", the words "or any Community Magistrate".
Vol 32, p 131)	By inserting in section 352A(2) (as enacted by section 25 of the Resource Management Amendment Act 1994), after the word "Justice", the words "or Community Magistrate".
1991, No 71—The Legal Services Act 1991	By inserting in section 116(3), after the words "Justice of the Peace,", the words "a Community Magistrate,".
1992, No 86—The Mutual Assistance in Criminal Matters Act 1992	By inserting in the definition of the term process in section 2, after the word "Justice,", the words "Community Magistrate,".
1992, No 122—The Electricity Act 1992	By inserting in section 159(1)(e), after the word "Justice", the words "or Community Magistrate".
1992, No 124—The Gas Act 1992	By omitting from section 50(1)(e) the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
1993, No 84—The Earthquake Commission Act 1993	By inserting in section 34(1), after the words "Justice of the Peace,", the words "Community Magistrate,".
1993, No 94—The Films, Videos, and Publications Classification Act 1993	By omitting from section 109(1) the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
	By omitting from section 131(4)(j), and also from section 131(5)(e), the words "or Justice", and substituting in each case the words ", Justice, or Community Magistrate".
Act 1993	By inserting in section 110, and also in section 111(1), after the word "Justice,", the words "a Community Magistrate,".
1994, No 104—The Maritime Transport Act 1994	By inserting in section 112(1), after the word "Justice' in both places where it occurs, the words "or Community Magistrate".
	By inserting in section 418(2), after the word "Justice", the words "or Community Magistrate".
	By inserting in section 454, and also in section 455(1), after the word "Justice,", the words "a Community Magistrate,".

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1994, No 119—The Antarctica (Environmental Protection) Act 1994	By inserting in section 42(1), after the word "Justice,", the words "a Community Magistrate,".
1994, No 166—The Tax Administration Act 1994	By inserting in the definition of the term judicial officer in section 16(7), after the word "justice,", the words "Community Magistrate,".
1996, No 9—The Financial Transactions Reporting Act 1996	By inserting in section 38(2), and also in section 38(4)(a), after the words "Justice of the Peace", the words "or a Community Magistrate".
	By inserting in section 38(3), after the words "Justice of the Peace", the words "or Community Magistrate".
	By omitting from section 44 the words "or Justice", and substituting the words ", Justice, or Community Magistrate".
1996, No 13—The Dog Control Act 1996	By inserting in section 14(3)(a), after the word "Justice" in both places where it appears, the words "or Community Magistrate".
	By inserting in section 56(3)(a), after the word "Justice" in both places where it appears, the words "or Community Magistrate".
	By inserting in section 57(3)(b), after the word "Justice" in both places where it appears, the words "or Community Magistrate".
1996, No 27—The Customs and Excise Act 1996	By inserting in subsections (6) to (8) of section 149, after the words "Justice of the Peace" wherever they appear, the words "or Community Magistrate".
	By inserting in section 167(1), after the words "Justice of the Peace", the words "or Community Magistrate".
	By inserting in subsections (5) to (7) of section 168, after the words "Justice of the Peace" wherever they appear, the words "or Community Magistrate".
	By inserting in subsections (1), (4), and (8) of section 171, after the words "or Justice" wherever they appear, the words "or Community Magistrate".
1996, No 30—The Hazardous Substances and New	By inserting in section 119(1), after the words "Justice of the Peace", the words "or Community Magistrate".
Organisms Act 1996	By inserting in section 119(3), after the words "Justice of the Peace,", the words "Community Magistrate,".

Title of Act	Amendment
1996, No 37—The Chemical Weapons (Prohibition) Act 1996	By inserting in section 23(2), after the word "Justice,", the words "a Community Magistrate,".
1996, No 40—The Ozone Layer Protection Act 1996	By inserting in section 23(1), after the words "or Justice", the words "or Community Magistrate".
	By inserting in section 23(3), after the word "Justice,", the words "Community Magistrate,".
1996, No 88—The Fisheries Act 1996	By inserting in subsections (1) to (3) of section 200, after the word "Justice," wherever it appears, the words "Community Magistrate,".
	By inserting in Schedule 7, after the expression "Justice of the Peace/", the expression "Community Magistrate/".

Schedule: amended, on 1 October 2010, by section 16(2)(a) of the Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010 (2010 No 2).

The item relating to the Extradition Act 1965 was repealed, as from 1 September 1999, by section 111 Extradition Act 1999 (1999 No 55).

The item relating to the Local Government Act 1974 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

The item relating to the Misuse of Drugs Amendment Act 1978 was repealed, as from 1 January 2001, by section 74(2) Bail Act 2000 (2000 No 38). *See* section 75 of that Act as to the savings provisions.

An item relating to the Physiotherapy Amendment Act 1953 was omitted, as from 18 September 2004, by section 175(4) Health Practitioners Competence Assurance Act 2003 (2003 No 48). *See* sections 178 to 227 of that Act as to the transitional provisions.

The item relating to the Rating Powers Act 1988 was repealed, as from 1 July 2003, by section 138(1) Local Government (Rating) Act 2002 (2002 No 6). *See* section 138(2) of that Act for the savings provision that provides that the changes apply for the purpose of rating in a financial year that begins on or after 1 July 2003.

Eprint notes

1 General

This is an eprint of the District Courts Amendment Act 1998 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 About this eprint

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 Amendments incorporated in this eprint

District Court Act 2016 (2016 No 49): section 240

Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010 (2010 No 2): section 16(2)(a)