



## **Criminal Procedure Amendment Act 2016**

Public Act      2016 No 61  
Date of assent      17 October 2016  
Commencement      see section 2

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### **The Parliament of New Zealand enacts as follows:**

#### **1      Title**

This Act is the Criminal Procedure Amendment Act 2016.

#### **2      Commencement**

This Act comes into force on 1 March 2017.

#### **3      Principal Act**

This Act amends the Criminal Procedure Act 2011 (the **principal Act**).

**4 Section 74 amended (Category 4 offences)**

In section 74(5)(c), after “different”, insert “or an alternative”.

**5 Section 133 amended (Amendment of charge)**

After section 133(2), insert:

- (3) A Registrar may, in respect of any offence other than a category 4 offence, exercise the power under subsection (1) if the prosecutor and the defendant consent to the amendment.

**6 Section 146 amended (Withdrawal of charge)**

After section 146(2), insert:

- (3) A Registrar may, in respect of any offence other than a category 4 offence, exercise the power under subsection (1) if the defendant consents to the prosecutor withdrawing the charge.

**7 New section 362A inserted (Jurisdiction of Justices and Community Magistrates relating to amendment or withdrawal of charges)**

After section 362, insert:

**362A Jurisdiction of Justices and Community Magistrates relating to amendment or withdrawal of charges**

- (1) A presiding Justice or Community Magistrate (as the case may be) may exercise the power specified in—
  - (a) section 133 (amendment of charge) if the prosecutor and the defendant consent to the amendment;
  - (b) section 146 (withdrawal of charge) if the defendant consents to the prosecutor withdrawing the charge.
- (2) This section applies to category 1, 2, and 3 offences, but not to category 4 offences.
- (3) Nothing in this section applies when the District Court presided over by 1 or more Justices or 1 or more Community Magistrates is exercising jurisdiction in accordance with section 355 or 356.

**8 Section 365 repealed (Contempt of court)**

Repeal section 365.

**Legislative history**

14 September 2016

Divided from Judicature Modernisation Bill (Bill 178–2) as  
Bill 178–3N

11 October 2016

Third reading

17 October 2016

Royal assent

This Act is administered by the Ministry of Justice.