

Criminal Procedure Amendment Bill

(Divided from the Judicature Modernisation Bill)

Government Bill

As reported from the committee of the whole House

This Bill was formerly part of the Judicature Modernisation Bill as reported from the Justice and Electoral Committee. The committee of the whole House has further amended the Bill and divided it into the following Bills:

- Senior Courts Bill comprising clauses 1 and 2, Part 1, and Schedules 1A to 4
- District Court Bill comprising Part 2 and Schedules 5 to 7
- Judicial Review Procedure Bill comprising Part 3 and Schedule 8
- Interest on Money Claims Bill comprising Part 4 and Schedules 9AAA, 9AA, and 9
- Electronic Courts and Tribunals Bill comprising Part 5
- Arbitration Amendment Bill comprising subpart 1 of Part 6
- Bills of Exchange Amendment Bill comprising subpart 2 of Part 6
- Building Societies Amendment Bill comprising subpart 3 of Part 6
- Children, Young Persons, and Their Families Amendment Bill comprising subpart 4 of Part 6
- Companies Amendment Bill (No 2) comprising subpart 5 of Part 6 and Schedule 10
- Contractual Remedies Amendment Bill comprising subpart 6 of Part 6
- Copyright Amendment Bill (No 2) comprising subpart 7 of Part 6
- Courts (Remote Participation) Amendment Bill comprising subpart 8 of Part 6
- this Bill comprising subpart 9 of Part 6
- Employment Relations Amendment Bill (No 4) comprising subpart 10 of Part 6
- Family Courts Amendment Bill comprising subpart 11 of Part 6

- Insolvency Amendment Bill comprising subpart 12 of Part 6
- Local Government (Rating) Amendment Bill comprising subpart 13 of Part 6
- Property Law Amendment Bill comprising subpart 14 of Part 6
- Remuneration Authority Amendment Bill (No 2) comprising subpart 14A of Part 6
- Resource Management Amendment Bill comprising subpart 15 of Part 6
- Te Ture Whenua Maori Amendment Bill comprising subpart 16 of Part 6
- Trans-Tasman Proceedings Amendment Bill comprising subpart 17 of Part 6

Criminal Procedure Amendment Bill

Key to symbols used in reprinted bill

As reported from the committee of the whole House

text inserted

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Hon Amy Adams

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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**.

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529 Principal Act

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

530 Section 74 amended (Category 4 offences)

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

531 Section 133 amended (Amendment of charge)

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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.

532 Section 146 amended (Withdrawal of charge)

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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.

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

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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 a 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.

534 Section 365 repealed (Contempt of court)

Repeal section 365.

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Legislative history

14 September 2016

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