

**Reprint
as at 18 May 2012**



**Community Magistrates
(Remuneration and Allowances)
Order 1998
(SR 1998/465)**

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 18th day of December 1998

Present:

The Right Hon Jenny Shipley presiding in Council

Pursuant to section 11G of the District Courts Act 1947, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This order is administered by the Ministry of Justice.

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Order

1 Title and commencement

- (1) This order may be cited as the Community Magistrates (Remuneration and Allowances) Order 1998.
- (2) This order comes into force on 1 February 1999.

2 Remuneration of Community Magistrates (other than Chief Community Magistrate)

A Community Magistrate (other than the Chief Community Magistrate) is to be paid, for every day on which he or she attends the court in his or her capacity as a Community Magistrate, remuneration by way of a fee of \$13.60 for each quarter hour or part of a quarter hour, but no more than \$435 per day.

Clause 2: replaced (with effect on 10 October 2011), on 18 May 2012, by clause 4 of the Community Magistrates (Remuneration and Allowances) Amendment Order 2012 (SR 2012/83).

3 Out-of-pocket expenses

Where a Community Magistrate, for the purpose of attending a sitting of the court or for the carrying out in any other respect of his or her duties as a Community Magistrate, is required to be absent from the court he or she usually attends, there is payable to that Community Magistrate by way of allowance his or her actual reasonable out-of-pocket expenses (including fares and other locomotion expenses).

4 Car reimbursement

- (1) A Community Magistrate who uses a car or other private means of conveyance for a journey or any stage of a journey in respect of which an allowance under clause 3 is payable to the Community Magistrate is entitled to be paid a car reimbursement allowance.

- (2) The rates of reimbursement payable under this clause are in accordance with the standard rates prescribed by the Inland Revenue Department.

5 Particulars of amounts claimed

- (1) No payment of allowances to which this order applies is to be made until the Community Magistrate claiming the payment has signed a statement, certified by the Registrar or other responsible officer of the court concerned, setting out the particulars of the amounts payable.
- (2) Vouchers for every item of out-of-pocket expenses claimed under clause 3 (not being an item under which fares and locomotion expenses in public conveyances are claimed) must be attached to the statement.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 22 December 1998.

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Notes**1 General**

This is a reprint of the Community Magistrates (Remuneration and Allowances) Order 1998. The reprint incorporates all the amendments to the order as at 18 May 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Community Magistrates (Remuneration and Allowances) Amendment Order
2012 (SR 2012/83)
