

Reprint
as at 10 May 2011

Summary Proceedings Regulations
1958

(SR 1958/38)

Except where otherwise indicated, all references to the “High Court” were substituted for references to the “Supreme Court” by section 12 Judicature Amendment Act 1979 and all references to the “District Court” and to a “District Court Judge” were substituted for references to the “Magistrate’s Court” and to a “Magistrate” or “Stipendiary Magistrate” by section 18(2) District Courts Amendment Act 1979.

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.

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Note

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

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

These regulations are administered in the Department of Justice.

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1 Title and commencement

- (1) These regulations may be cited as the Summary Proceedings Regulations 1958.
- (2) These regulations shall come into force on 1 April 1958.

2 Interpretation

In these regulations, unless the context otherwise requires,—
the Act means the Summary Proceedings Act 1957

Court of hearing means the Court in which proceedings under Part 2, 5, or 5A of the Act have been taken

deposition includes oral evidence taken under section 182 of the Act, unless the context otherwise requires

domestic violence has the same meaning as in section 3 of the Domestic Violence Act 1995

Domestic violence: this definition was inserted, as from 1 July 1996, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

domestic violence offence means an offence against any enactment (other than the Domestic Violence Act 1995) in any case where—

- (a) the offence is committed—
 - (i) by a person against whom a protection order is in force, or in respect of whom proceedings on an

- application for a protection order are pending, at the time the offence is committed; and
- (ii) against any person who is a protected person (within the meaning of that Act) under that protection order, or whom that application seeks to make a protected person, as the case may be; and
- (b) the offence consists of or includes conduct that is domestic violence

Domestic violence offence: this definition was inserted, as from 1 July 1996, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

examining Court means the Court or District Court Judge before whom evidence is to be taken under section 31 or section 32 or section 182 of the Act, and includes an examining Registrar

examining Registrar means a Registrar before whom evidence is ordered to be taken under section 31 or section 32 or section 182 of the Act

fine, for the purposes of these regulations (including any prescribed form, has the meaning set out in section 79 of the Act and, for the avoidance of doubt, includes—

- (a) any amount that is required to be paid under a sentence of reparation; or
- (b) any amount that is required to be paid under any order of reparation as defined in section 145D of the Sentencing Act 2002

fine: this definition was inserted, as from 10 October 2006, by regulation 4 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

harassment offence means an offence against—

- (a) section 8 of the Harassment Act 1997; or
- (b) any other enactment in any case where the offence—
 - (i) is committed by a person against whom a restraining order is in force, or in respect of whom proceedings on an application for a restraining order are pending, at the time the offence is committed; and
 - (ii) is committed against a person for whose protection the restraining order was made or has been applied for, as the case may be; and

- (iii) consists of or includes a specified act within the meaning of section 4 of the Harassment Act 1997

Harassment offence: this definition was inserted, as from 1 May 1998, by regulation 2(1) Summary Proceedings Amendment Regulations 1998 (SR 1998/64).

information, for the purposes of regulations 6 to 14B, includes a complaint, and **informant** has a corresponding meaning

protection order has the same meaning as in section 2 of the Domestic Violence Act 1995; and includes any order that is deemed, by section 133(3) of that Act, to be a protection order

Protection order: this definition was inserted, as from 1 July 1996, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

relevant Court,—

- (a) in relation to an offence against section 49 of the Domestic Violence Act 1995 or a domestic violence offence, means the Court which made a protection order against the person convicted of the offence; and includes a Court in which an application for a protection order against the offender is pending:
- (b) in relation to an offence against section 25 of the Harassment Act 1997 or an harassment offence, means the Court which made a restraining order against the person convicted of the offence; and includes a Court in which an application for a restraining order against the offender is pending

Relevant Court: this definition was inserted, as from 1 July 1996, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

Relevant Court: this definition was substituted, as from 1 May 1998, by regulation 2(2) Summary Proceedings Amendment Regulations 1998 (SR 1998/64).

restraining order has the same meaning as in section 2 of the Harassment Act 1997.

Restraining order: this definition was inserted, as from 1 May 1998, by regulation 2(1) Summary Proceedings Amendment Regulations 1998 (SR 1998/64).

Expressions defined in the Act have the meanings so defined.

Regulation 2 **Court of hearing**: amended, on 29 June 2009, by regulation 4(1) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Regulation 2 **deposition**: inserted, on 29 June 2009, by regulation 4(2) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Regulation 2 **examining Court**: amended, on 29 June 2009, by regulation 4(3) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Regulation 2 **examining Registrar**: amended, on 29 June 2009, by regulation 4(4) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Regulation 2 **hearing**: revoked, on 29 June 2009, by regulation 4(5) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Regulation 2 **information**: amended, on 29 June 2009, by regulation 4(6) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

3 Forms

The forms in Schedule 1, or forms to the like effect, may be used, with or without additional information required for identification or other official purposes included, and with any variations that the circumstances may require, in proceedings under the Act to which those forms refer.

Regulation 3 was substituted, as from 30 June 2002, by regulation 3 Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

4 Fees, allowances, and expenses

(1) There shall be paid in respect of the several matters specified in Schedule 2 the respective Court fees set out in that schedule.

(1A) The fees prescribed by these regulations are inclusive of goods and services tax.

(1B) The Secretary for Justice may permit a person or class of persons to pay any fees due under these regulations in respect of the provision of particulars of a reminder notice that is deemed to have been filed in a Court under section 21(4C) of the Act, in accordance with a credit arrangement.

(2) The fees, travelling allowances, and expenses payable to interpreters and to persons giving evidence in proceedings to which the Act applies shall be in accordance with the Witnesses and Interpreters Fees Regulations 1974.

Subclause (1A) was inserted, as from 1 January 1998, by regulation 2 Summary Proceedings Amendment Regulations 1997 (SR 1997/322).

Subclause (1B) was inserted, as from 1 March 2007, by regulation 4 Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).

5 Application of regulations 6 to 14B

(1) Regulations 6 to 14 apply to the taking of evidence under section 31 or 32 of the Act.

- (2) Regulation 14 applies to the taking of evidence under section 31, 32, or 182 of the Act.
- (3) Regulations 14A and 14B apply to the taking of evidence under section 182 of the Act.

Regulation 5: substituted, on 29 June 2009, by regulation 5 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

6 Application for taking evidence

- (1) Where under section 31 or section 32 of the Act an application is made to a District Court Judge before the hearing for the taking of evidence otherwise than at the hearing, the application shall be in form 51 in Schedule 1, and shall be filed in duplicate in the Court of hearing.
- (2) Where the defendant is the applicant, the Registrar of the Court of hearing shall send a copy of the application to the informant, or, where the informant has taken the proceedings in his capacity as an officer or employee of any department of State, local authority, or public body, to the office of the department, local authority, or public body, as the case may be, in or nearest to the place where the Court of hearing is situated; and, where the informant is the applicant, the Registrar shall send a copy of the application to the defendant:
Provided that where the informant or the defendant, as the case may be, is represented in the proceedings by a solicitor, the copy may be sent by the Registrar to that solicitor.

Regulation 6(1): amended, on 29 June 2009, by regulation 6 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

7 Order for taking evidence with or without formal hearing

- (1) If the District Court Judge is satisfied—
 - (a) in the case of an application under section 31(1A) of the Act, that the defendant consents to the order; and
 - (b) in any other case, that the informant or the defendant, as the case may be, does not oppose the application,—he may make an order on the application forthwith.
- (2) In any case where the District Court Judge does not make an order under subclause (1), the Registrar of the Court of hearing shall—

- (a) fix a time for the hearing of the application and notify the parties to attend; or
- (b) place the application before the Court at the hearing of the information.

Subclause (1) was substituted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 3 (SR 1965/116).

8 Form of order

An order for the taking of evidence otherwise than at the hearing shall be in form 52 in Schedule 1.

9 Order and information to be sent to examining Court

The order and a certified copy of the relevant information shall be sent by the Registrar of the Court of hearing to the Registrar of the examining Court.

10 Notice of examination

- (1) Immediately upon receiving the order, the Registrar of the examining Court shall appoint a time and place for the examination and shall give notice in form 53 in Schedule 1 to the informant and to the defendant of the time and place so appointed.
- (2) A notice shall be served in the same manner as if it were a summons to a defendant on an information:
provided that—
 - (a) the notice may be served on the informant or the defendant by leaving it at or posting it to his address for service as stated in the order:
 - (b) where the informant is an officer of any department of State, local authority, or public body, the notice may be served on the informant by leaving it at or posting it to the office of the department, local authority, or public body, as the case may be, in or nearest to the place where the Court of hearing or the examining Court is situated:provided also that, where the informant or the defendant is represented in the proceedings by a solicitor, it shall be sufficient compliance with this regulation if the notice is left with or posted to that solicitor.

- (3) The Registrar of the examining Court shall send a copy of the notice to the Registrar of the Court of hearing.

11 Summons to witnesses

For the purposes of the examination, summonses to witnesses may be issued by any District Court Judge or Community Magistrate or Justice or Registrar.

Regulation 11 was amended, as from 1 November 1998, by regulation 2 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting the words “Community Magistrate or”.

12 Conduct of examination

- (1) The examination may take place in Court or in an office of the Court or in any other place appointed by the examining Court; and the parties shall be at liberty to attend the examination with or without counsel or solicitor.
- (2) The examination may be adjourned from time to time and from place to place.
- (3) The examining Court may administer an oath to each witness who may be examined, cross-examined, and re-examined as at the hearing of an information.
- (4) The deposition shall be taken down in writing—
 - (a) in the presence of the examining Court; and
 - (b) not ordinarily by question and answer, but so as to represent as nearly as may be practicable the statements of the witness.
- (5) The examining Court may put down or cause to be put down any particular question or answer if there appears to any special reason for doing so, and may put any question to the witness as to the meaning of any answer or as to any matter arising in the course of the examination.
- (6) An examining Registrar shall not have power to decide upon the admissibility of any evidence, but, if any evidence is objected to, he shall take down the question and the answer thereto or admit the document, as the case may be, and make a note of the objection on the deposition, and the question of admissibility shall be decided by the Court at the hearing of the information.

- (7) If the witness objects to any question put to him before an examining Registrar, the question and the objection shall be taken down in the deposition, and the validity of the objection shall be decided by the Court at the hearing of the information.
- (8) Where the examination is before a Registrar and any witness refuses or neglects to attend in answer to a witness summons issued under these regulations, or having attended refuses to be sworn or to answer any lawful question or to produce any document which he is lawfully required to produce, the examination shall be adjourned and the adjourned examination shall be held before a District Court or a District Court Judge, as the case may be, at a time and place to be appointed by the examining Registrar.

13 Signature and disposal of depositions

- (1) When the examination of a witness has been concluded, the deposition shall be read over to him and each page of it shall be signed by him and by the examining District Court Judge, Community Magistrates, Justices, or Registrar. If the witness refuses to sign his deposition, the examining District Court Judge, Community Magistrates, Justices, or Registrar shall make a note of the refusal on the deposition, and the deposition may be tendered in evidence notwithstanding that it is not signed by the witness.
- (2) Form 54 in Schedule 1 shall be attached to the depositions which, together with any exhibits suitably marked, shall be sent to the Court of hearing.

Subclause (1) was amended, as from 1 November 1998, by regulation 3 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting the words “Community Magistrates,”.

Regulation 13(2): amended, on 29 June 2009, by regulation 7 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

14 Non-appearance of person on whose behalf examination held

- (1) This regulation applies to a person on whose behalf an examination is being held under section 31, 32, or 182 of the Act who—

- (a) fails to appear at the appointed time or at any adjournment; or
 - (b) fails to proceed with the examination.
- (2) The examining Court must immediately send a certificate in form 56 of Schedule 1 to the Court of hearing.

Regulation 14: substituted, on 29 June 2009, by regulation 8 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

14A Procedural requirements if oral evidence to be taken other than at committal hearing

- (1) This regulation applies if an oral evidence order is made under section 180 of the Act that, in accordance with section 182 of the Act, permits or requires oral evidence to be taken other than at a committal hearing.
- (2) The Registrar of the Court of hearing must send the order and a certified copy of the relevant information to the Registrar of the examining Court.
- (3) On receiving the order, the Registrar of the examining Court must—
 - (a) appoint a time and place for the examination; and
 - (b) give notice of the time and place, in form 53 of Schedule 1, to the prosecutor and the defendant.
- (4) The notice must be served in the same manner as if it were a summons to a defendant on an information, provided that—
 - (a) the notice may be served on the prosecutor or the defendant by leaving it at or posting it to his or her address for service as stated in the order;
 - (b) if the prosecutor is an officer of any department of State, local authority, or public body, the notice may be served on the prosecutor by leaving it at or posting it to the office of the department, local authority, or public body, as the case may be, in or nearest to the place where the Court of hearing or the examining Court is situated;
 - (c) if the defendant is represented in the proceedings by a solicitor, the notice may be left with or posted to that solicitor.

Regulation 14A: inserted, on 29 June 2009, by regulation 9 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

14B Conduct of examination if oral evidence taken other than at committal hearing

- (1) This regulation applies if oral evidence is taken, in accordance with section 182 of the Act, other than at a committal hearing.
- (2) The examination may take place in the court, in an office of the court, or in any other place appointed by the examining Court.
- (3) The parties may attend the examination with or without counsel or solicitor.
- (4) The examining Court may—
 - (a) put down or cause to be put down any particular question or answer if there appears to be a special reason for doing so; and
 - (b) question the witness about the meaning of any answer or about any matter arising in the course of the examination.
- (5) If any evidence given before an examining Registrar is objected to,—
 - (a) the examining Registrar must—
 - (i) take down the question and answer or admit the document, as the case may be; and
 - (ii) make a note of the objection on the deposition; and
 - (b) the question of admissibility must be decided by the court at the hearing of the information.
- (6) If the witness objects to any question put to him or her before an examining Registrar, the question and the objection must be taken down in the deposition and the validity of the objection must be decided by the court at the hearing of the information.
- (7) Subclause (8) applies if the examination is before a Registrar and—
 - (a) a witness refuses or neglects to attend in answer to a witness summons issued under these regulations; or
 - (b) a witness, having attended, refuses to be sworn or to answer any lawful question or to produce any document that he or she is lawfully required to produce.
- (8) The examination must be adjourned and the adjourned examination must be held before a District Court at a time and place to be appointed by the examining Registrar.

- (9) Depositions sent to the Registrar of the Court of hearing must be accompanied by—
- (a) a record of oral evidence in form 54 of Schedule 1; and
 - (b) any exhibits, suitably marked.

Regulation 14B: inserted, on 29 June 2009, by regulation 9 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

15 Safe custody of property

The Court may, in respect of the suspension pursuant to section 138 of the Act of the operation of any order for the restitution of property and the operation of subsection (1) of section 26 of the Sale of Goods Act 1908, or upon any direction given under the said section 138 that that operation be not suspended, give in any special case such direction as it thinks proper to secure the production of property for use at the hearing of the appeal or to ensure its proper custody pending the determination of the appeal.

15A Order for detention in psychiatric hospital pending trial

- (1) If, under section 184T(3) of the Act, the Court, instead of issuing a warrant, makes an order in form 43A in Schedule 1 for a person's detention in a psychiatric hospital pending his trial, a copy of the order shall be sent to the Manager of the prison nearest to the place where the trial is to be held.

- (2) *[Revoked]*

Regulation 15A was inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 6 (SR 1970/52).

Regulation 15A(1): amended, on 29 June 2009, by regulation 10 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Subclause (1) was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "Manager" for the word "Superintendent". See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Subclause (2) was revoked by regulation 2 Summary Proceedings Regulations 1958, Amendment No 13 (SR 1985/231).

15B Reminder notice for infringement offence

- (1) The particulars of a reminder notice referred to in section 21(4)(a) of the Act are—
- (a) the number of the reminder notice; and

- (b) the name and address of the informant; and
 - (c) the full name and full address of the defendant; and
 - (d) details of the alleged infringement offence, including the date, time, place of the offence, the enactment and provision contravened, and the registration number of the vehicle (if any) used in the offence; and
 - (e) the infringement fee, or the amount of the infringement fee remaining unpaid, other fees, and any other penalties specified in respect of the alleged offence; and
 - (f) the name or number (if any) of the officer who issued the infringement notice.
- (2) The particulars of a reminder notice referred to in section 21(4)(b) of the Act are—
- (a) the date and method of service of the infringement notice; and
 - (b) the date and method of service of the reminder notice; and
 - (c) the full address at which the reminder notice was served.
- (3) The particulars of a reminder notice referred to in section 21(4)(c) of the Act are—
- (a) the defendant's date of birth; and
 - (b) the defendant's gender; and
 - (c) the defendant's occupation; and
 - (d) the defendant's telephone number or numbers; and
 - (e) the defendant's driver licence number (if a vehicle was used in the offence).
- (4) The particulars specified in subclause (3) apply only if known.
- (5) The particular specified in subclause (3)(e) applies only if relevant.

Regulations 15B to 15H were inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Paragraph (e) was substituted, as from 1 November 1998, by regulation 4 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Regulation 15B was substituted, as from 1 March 2007, by regulation 5 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

15BA Request to Court for certain electronically created records

- (1) A computer printout of the particulars of a reminder notice that is deemed to have been filed in a Court under section 21(4C) of the Act may be given to any person who the Registrar is satisfied has a genuine and proper interest in obtaining the printout.
- (2) In any case of doubt or difficulty the Registrar may refer the matter to a District Court Judge, whose decision is final.

Regulation 15BA was inserted, as from 1 March 2007, by regulation 5 Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).

15C Costs payable by defendant in respect of infringement offence

- (1) Where an order is deemed to have been made under section 21(5) or (5A) of the Act against the defendant in respect of an infringement offence, the amount payable by the defendant as costs under the order is \$30.
- (2) Where a defendant is found guilty of, or pleads guilty to, an infringement offence for which an infringement notice has been issued, the amount that the defendant must be ordered by the Court to pay as costs under section 21(9) of the Act is \$30.

Regulations 15B to 15H were inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

The original subclause (1) of the previous regulation 15 was amended, as from 5 August 1998, by clause 2(a) Summary Proceedings Amendment Regulations (No 3) 1998 (SR 1998/223) by substituting “\$30” for “\$15”.

The original subclause (1) of the previous regulation 15 was further amended, as from 5 August 1998, by clause 2(b) Summary Proceedings Amendment Regulations (No 3) 1998 (SR 1998/223) by substituting “\$30” for “\$25”.

Subclause (1) of the previous regulation 15 was substituted, as from 1 November 1998, by regulation 5 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Regulation 15C was substituted, as from 1 November 1998, by regulation 3 Summary Proceedings Amendment Regulations (No 5) 1998 (SR 1998/329).

Subclause (1) was amended, as from 1 March 2007, by regulation 6 Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396) by substituting “deemed to have been made under section 21(5) or (5A) of the Act” for “deemed by section 21(5) of the Act to have been made, or is taken under section 21(5A) as having been made,”.

15D Certain Court fees relating to infringement offences payable by local authorities, etc

Notwithstanding the provisions of section 207(3) of the Act, the Court fees prescribed in Schedule 2 for filing a copy of a reminder notice, or providing particulars of a reminder notice that is deemed to have been filed in a Court under section 21(4C) of the Act, in respect of an infringement offence shall be payable where the informant is a local authority or a body or board other than a department of State.

Regulations 15B to 15H were inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15D was amended, as from 1 March 2007, by regulation 7 Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396) by inserting “, or providing particulars of a reminder notice that is deemed to have been filed in a Court under section 21(4C) of the Act,” after “reminder notice”.

15E Applications for correction of irregularities in proceedings for infringement offences

Every application by a defendant under section 78B of the Act for correction of any irregularity in procedures leading up to an order for the payment of a fine or costs, or both, in respect of an infringement offence must be made by the defendant in form 57 in Schedule 1 or in a form to the like effect.

Regulations 15B to 15H were inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15E was amended, as from 10 October 2006, by regulation 6 Summary Proceedings Amendment Regulations 2006 (SR 2006/265) by substituting the words “must be” for the words “shall be accompanied by a statutory declaration”.

15F Registrar or bailiff may require defendant to supply statement of means

A Registrar or bailiff may, before entering into an arrangement with a defendant under section 86 or section 86A of the Act, require the defendant to complete and supply to the Registrar or bailiff a statement of means.

Regulations 15B to 15H were inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15F was substituted, as from 1 November 1998, by regulation 6 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Regulation 15F: amended, on 1 March 2008, by regulation 4 of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

15G Arrangement on behalf of defendant of extension of time to pay

- (1) A person may, with the consent of the Registrar or a bailiff, enter into an arrangement under section 86 or section 86A of the Act on behalf of a defendant who is—
 - (a) under the age of 16 years; or
 - (b) absent from New Zealand; or
 - (c) incapable of acting personally because of mental or physical illness or disability.
- (2) The Registrar or bailiff must not consent to the arrangement unless the person—
 - (a) satisfies the Registrar or bailiff that the person has a proper interest in, and knowledge of, the defendant's affairs; and
 - (b) gives the Registrar or bailiff a written statement of the following information:
 - (i) the person's name and address;
 - (ii) the person's relationship with the defendant;
 - (iii) the reason the defendant is not entering into the arrangement personally;
 - (iv) if the defendant is absent from New Zealand, the date when the defendant is expected to return to New Zealand; and
 - (c) if required by the Registrar or bailiff to do so, completes and supplies to the Registrar or bailiff a written statement of the defendant's means.

Regulations 15B to 15H were inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15G was substituted, as from 1 November 1998, by regulation 7 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

15H Examination of applicant for extension of time

[Revoked]

Regulations 15B to 15H were inserted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15H was revoked, as from 1 November 1998, by regulation 8 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

15I Criteria for determining whether to enter arrangement extending time to pay or for payment by instalments

A Registrar or bailiff, when deciding whether to enter into an arrangement under section 86 or 86A of the Act, and a Registrar when deciding whether to cancel an arrangement made under section 86A(1) of the Act, may have regard to—

- (a) the salary or wages that the defendant is likely to receive:
- (b) any other money available to the defendant:
- (c) the defendant's assets and liabilities:
- (d) the money reasonably required to maintain the defendant and any dependants of the defendant:
- (e) any provision reasonably required for contingencies:
- (f) any other circumstances relating the defendant's financial position that the Registrar or bailiff considers relevant.

Regulation 15I: substituted, on 1 March 2008, by regulation 5 of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Regulation 15I was substituted, as from 1 November 1998, by regulation 9 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

15J Notice of decision on application for extension of time

[Revoked]

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15J was revoked, as from 1 November 1998, by regulation 10 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

15K Fee and expenses in respect of enforcement of fine

- (1) Subject to the other provisions of this regulation, where default is made in the payment of a fine and in consequence any warrant is issued, any attachment order is made, or any sentence is imposed pursuant to section 83(2) or section 87(1) or section 88(3) of the Act, the fee specified in Schedule 2 is payable by the defendant in respect of the enforcement of the fine, but no more than 1 amount shall be payable under this subclause in respect of the enforcement of the same fine.
- (2) A Court, District Court Judge, or Registrar, may, if satisfied that it is appropriate to do so in the circumstances, waive the payment by a defendant of the fee under subclause (1).
- (3) Where the Court or Judge directing the issue of a warrant of commitment or imposing a sentence pursuant to section 83(2) or section 88(3) of the Act is satisfied that the defendant does not have the means to pay the fine, the Court or Judge shall waive the payment of the fee under subclause (1) in respect of that action.
- (4) Where property is seized under a warrant to seize property issued for default in the payment of a fine, the defendant shall be liable to pay, in addition to any fee payable under subclause (1), such amount as the Registrar may certify in respect of expenses reasonably incurred in removing, storing, or auctioning the property.

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Subclause (1) was amended by increased the amount from “\$55” to “\$75” by regulation 2(1) Summary Proceedings Regulations 1958, Amendment No 18 (SR 1989/12), from “\$50” to “\$55” by regulation 2 Summary Proceedings Regulations 1958, Amendment No 17 (SR 1988/37), from “\$30” to “\$50” by regulation 2 Summary Proceedings Regulations 1958, Amendment No 12 (SR 1984/300), from “\$20” to “\$30” by regulation 2(1) Summary Proceed-

ings Regulations 1958, Amendment No 11 (SR 1981/228), and from “\$10” to “\$20” by regulation 2(1) Summary Proceedings Regulations 1958, Amendment No 9 (SR 1978/195).

Subclause (1) was amended by regulation 2 Summary Proceedings Regulations 1958, Amendment No 20 (SR 1992/141) by substituting the value “\$90” for the value “\$80”, and by regulation 2 Summary Proceedings Regulations 1958, Amendment No 19 (SR 1991/189) by substituting the value “\$80” for the value “\$75”.

Subclause (1) was further amended, as from 1 January 1998, by regulation 3 Summary Proceedings Amendment Regulations 1997 (SR 1997/322) by substituting the value “\$100” for the value “\$90”.

Subclause (1) was amended, as from 1 November 1998, by regulation 11(1) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by substituting the words “any sentence or deduction notice is imposed or issued under” for the words “or any sentence is imposed pursuant to”.

Subclause (1) was amended, as from 10 October 2006, by regulation 7 Summary Proceedings Amendment Regulations 2006 (SR 2006/265) by substituting the words “the fee specified in Schedule 2 is” for the words “a fee of \$100 shall be”.

Subclause (2) was amended, as from 1 November 1998, by regulation 11(2) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “District Court Judge,”, the words “Community Magistrate,”.

Subclause (3) was amended, as from 1 November 1998, by regulation 11(3) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the word “Judge,”, the words “or Community Magistrate”.

15L Orders for sentences of community work, community detention, or home detention

If a defendant is sentenced to community work, community detention, or home detention under section 88(3) of the Act, the Registrar must immediately ensure that an order recording the sentence is served personally on the defendant.

Regulation 15L was substituted, as from 30 June 2002, by regulation 4 Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

Regulation 15L: amended, on 1 October 2007, by regulation 4(2) of the Summary Proceedings Amendment Regulations 2007 (SR 2007/294).

Regulation 15L heading: amended, on 1 October 2007, by regulation 4(1) of the Summary Proceedings Amendment Regulations 2007 (SR 2007/294).

15M Receipt for payment of fine, etc

- (1) Subclause (2) applies to a sum levied by or paid to any member of the police or a bailiff under a warrant.

- (2) The member of the police or the bailiff who receives any amount in or towards payment of the sum described in subclause (1) must give to the defendant or the person making the payment a receipt for the amount as soon as is reasonably practicable after receiving the amount.
- (3) Subclause (4) applies to a sum paid in or towards a Court fee, fine, costs, or other money payable on an information or complaint or on a conviction or order made by a Court.
- (4) The following persons must, on receiving any amount in or towards payment of the sum described in subclause (3), give to the defendant or other person making the payment a receipt for the amount as soon as is reasonably practicable after receiving the amount:
 - (a) if the amount is paid to the Registrar, the Registrar; or
 - (b) if the amount is paid to a person nominated under section 208(2)(b) of the Act, that person.
- (5) Subclause (4) does not apply if a receipt has already been given under subclause (2).

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15M was substituted, as from 10 October 2006, by regulation 8 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

15N Manager's receipt for prisoner

Where the defendant named in a warrant of commitment is delivered by the bailiff or constable executing the warrant to the Manager of the prison named or described in the warrant, the Manager shall, on receipt of the warrant, give to the bailiff or constable a receipt in form 60 in Schedule 1.

Regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15N was amended, as from 30 June 2002, by regulation 5 Summary Proceedings Amendment Regulations 2002 (SR 2002/182) by omitting the words "or corrective training institution".

The heading to section 15N was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "Manager's" for the word "Superintendent's". See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Section 15N was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word "Manager" for the word "Super-

intendent” in both places where it appears. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

15O Notice of payment of fine if defendant imprisoned, etc

If a defendant is, for default in the payment of a fine, imprisoned, or subject to a sentence of community work, community detention, or home detention, the Registrar must, immediately on payment of the fine, give to the Manager of the prison or the probation officer supervising the sentence of community work, community detention, or home detention, as the case may be, notice in writing of the payment.

Regulation 15O was substituted, as from 30 June 2002, by regulation 6 Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

Regulation 15O: amended, on 1 October 2007, by regulation 5 of the Summary Proceedings Amendment Regulations 2007 (SR 2007/294).

Regulation 15O was amended, as from 1 June 2005, by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “Manager” for the word “Superintendent”. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

15P General form of applications

- (1) Except as otherwise provided by the Act or authorised by the Court, District Court Judge, Community Magistrate, or Registrar having jurisdiction in respect of the matter, every defendant or other person making any application or claim or seeking any order or other action relating to proceedings under the Act shall, unless some other form is prescribed for the purpose in Schedule 1, lodge with the Registrar of the Court in which the proceedings were commenced, or to which they have been transferred, an application in form 61 in Schedule 1 or in a form to the like effect.
- (2) A Registrar with whom an application is lodged as provided by subclause (1) shall, unless the order or other action sought by the applicant is made or taken without a hearing, appoint a time and place for the hearing of the application and shall give to the applicant and to any other person who the Registrar considers should be notified, or who a District Court Judge or Community Magistrate directs be notified, notice in form 62 in Schedule 1 of the receipt of the application and of the time and place appointed for the hearing.

(3) *[Revoked]*

Regulations 15B to 15H were substituted, and new regulations 15I to 15P were inserted, as from 1 November 1987, by regulation 2 Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Subclause (1) was amended, as from 1 November 1998, by regulation 12(1) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “District Court Judge,”, the words “Community Magistrate,”.

Subclause (2) was amended, as from 1 November 1998, by regulation 12(2) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “District Court Judge,”, the words “or Community Magistrate”.

Regulation 15P(3): revoked, on 1 March 2008, by regulation 6 of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

15Q Transmission of criminal record relating to breach of protection or restraining order

- (1) Where a defendant is convicted of an offence against section 49 of the Domestic Violence Act 1995, the Registrar of the Court in which that conviction is entered must, without delay, forward a certified copy of the entry in the Criminal Records relating to that conviction to the Registrar of the relevant Court.
- (2) Where a defendant is convicted of an offence against section 25 of the Harassment Act 1997, the Registrar of the Court in which that conviction is entered must, without delay, forward a certified copy of the entry in the Criminal Records relating to that conviction to the Registrar of the relevant Court.
- (3) On receiving the copy, the Registrar of the relevant Court must cause the copy to be placed on the file relating to the applicable proceedings.

Regulations 15Q to 15T were inserted, as from 1 July 1996, by clause 3 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

Regulations 15Q to 15T were substituted, and regulation 15U was inserted, as from 1 May 1998, by regulation 2(1) Summary Proceedings Amendment Regulations 1998 (SR 1998/64).

15R Transmission of criminal record relating to other offences involving domestic violence or harassment

- (1) Where a defendant is convicted of a domestic violence offence or of an harassment offence, a District Court Judge or Justice may direct the Registrar of the Court in which that conviction

is entered to forward, without delay, a certified copy of the entry in the Criminal Records relating to that conviction to the Registrar of the relevant Court.

(2) Where—

- (a) a defendant is convicted of an offence; and
- (b) the Registrar of the Court in which that conviction is entered has reason to believe that the offence is a domestic violence offence or an harassment offence,—

the Registrar must, without delay, forward a certified copy of the entry in the Criminal Records relating to that conviction to the Registrar of the relevant Court.

(3) On receiving a copy forwarded under subclause (1) or subclause (2), the Registrar of the relevant Court must cause the copy to be placed on the file relating to the applicable proceedings.

Regulations 15Q to 15T were inserted, as from 1 July 1996, by clause 3 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

Regulations 15Q to 15T were substituted, and regulation 15U was inserted, as from 1 May 1998, by regulation 2(1) Summary Proceedings Amendment Regulations 1998 (SR 1998/64)

15S Result of appeal to be notified to Court receiving copy of criminal record

(1) If,—

- (a) under regulation 15Q or regulation 15R, a copy of an entry in the Criminal Records relating to a conviction for an offence is forwarded to a relevant Court; and
- (b) on any appeal,—
 - (i) that conviction is quashed; or
 - (ii) the sentence imposed in relation to that offence is varied; and
- (c) in accordance with section 135(2) of the Act, the Registrar makes, in the entry in the Criminal Records relating to that conviction, a note of the decision on appeal,—

the Registrar must, without delay, forward a copy of that note to the Registrar of the relevant Court.

(2) If a copy of a note relating to a conviction is forwarded to the relevant Court under subclause (1), the Registrar of that Court must,—

- (a) where the conviction has been quashed, remove from the file the copy of the entry relating to that conviction; or
- (b) in any other case, cause the copy of the note to be placed on the file relating to the applicable proceedings.

Regulations 15Q to 15T were inserted, as from 1 July 1996, by clause 3 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

Regulations 15Q to 15T were substituted, and regulation 15U was inserted, as from 1 May 1998, by regulation 2(1) Summary Proceedings Amendment Regulations 1998 (SR 1998/64)

15T Information about criminal proceedings in domestic violence proceedings

- (1) In this regulation, the term **domestic violence proceedings** means an application for a protection order that is pending before a District Court or a Family Court or that a District Court or a Family Court has determined by making a protection order.
- (2) This regulation applies where the Court in which domestic violence proceedings have been filed or the Registrar of that Court has reason to believe that the respondent or associated respondent to the domestic violence proceedings is charged with, or has been convicted of—
 - (a) a domestic violence offence; or
 - (b) an offence against section 49 of the Domestic Violence Act 1995.
- (3) Where this regulation applies, the Registrar of the Court may—
 - (a) consult the Registrar of the Court in which the respondent or associated respondent to the domestic violence proceedings is believed to have been charged with or convicted of an offence specified in subclause (2); and
 - (b) request that Registrar to supply available information relating to the charge or conviction.
- (4) The information that a Registrar may request under subclause (3) includes, where applicable and without limitation,—
 - (a) the conditions on which bail has been granted to the defendant:

- (b) a copy of the entry in the Criminal Records relating to the conviction.
- (5) A Registrar to whom a request is made under subclause (3) must, without delay, provide to the requesting Registrar as much of the information requested as the requested Registrar has available to him or her.

Regulations 15Q to 15T were inserted, as from 1 July 1996, by clause 3 Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

Regulations 15Q to 15T were substituted, and regulation 15U was inserted, as from 1 May 1998, by regulation 2(1) Summary Proceedings Amendment Regulations 1998 (SR 1998/64)

15U Information about criminal proceedings in harassment proceedings

- (1) In this regulation, the term **harassment proceedings** means an application for a restraining order that is pending before a District Court or that a District Court has determined by making a restraining order.
- (2) This regulation applies where the Court in which harassment proceedings have been filed or the Registrar of that Court has reason to believe that the respondent or associated respondent to the harassment proceedings is charged with, or has been convicted of,—
 - (a) an harassment offence; or
 - (b) an offence against section 25 of the Harassment Act 1997.
- (3) Where this regulation applies, the Registrar of the Court may—
 - (a) consult the Registrar of the Court in which the respondent or associated respondent to the harassment proceedings is believed to have been charged with or convicted of an offence specified in subclause (2); and
 - (b) request that Registrar to supply available information relating to the charge or conviction.
- (4) The information that a Registrar may request under subclause (3) includes, where applicable and without limitation,—
 - (a) the conditions on which bail has been granted to the defendant:

- (b) a copy of the entry in the Criminal Records relating to the conviction.
- (5) A Registrar to whom a request is made under subclause (3) must, without delay, provide to the requesting Registrar as much of the information requested as the requested Registrar has available to him or her.

Regulations 15Q to 15T were substituted, and regulation 15U was inserted, as from 1 May 1998, by regulation 2(1) Summary Proceedings Amendment Regulations 1998 (SR 1998/64)

16 Revocations

The regulations and orders specified in Schedule 4 are hereby revoked.

Schedule 1

r 3

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Form 3
Summons to defendant

Sections 19 and 150, Summary Proceedings Act 1957

To [full name], of [address, occupation].

[Full name], of [address, occupation], has stated on oath that he/she* has just cause to suspect, and does suspect, that) you the said [full name] *(within the space of (6) months last past, namely,) on [date] at [place] [*here set out the substance of the offence or matter of complaint*] (being an offence punishable summarily/being an indictable offence*) [*here add section and statute applicable*] .

*Delete if inapplicable.

You are summoned to appear on [day], the [date, time], at the District Court at [place], to answer to the information (*or* complaint).

Date:

Signature:

(District Court Judge/Justice of the Peace/Community Magistrate/Registrar (not being a constable)*)

*Select one.

Schedule 1 form 3: amended, on 29 June 2009, by regulation 11 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 3 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice of the Peace”, the words “*or* Community Magistrate”.

Form 4
Warrant to arrest in summary proceedings
(where offence punishable by imprisonment)
Section 19(b), Summary Proceedings Act 1957

Number:

Year:

To every constable/[*full name*], constable*

*Select one.

On [*date*] an information was laid that [*full name*], of [*address, occupation*] (hereinafter called the **defendant**), at [*place*] on [*date*] [*here set out the alleged offence*] being an offence for which the defendant is liable on conviction to a sentence of imprisonment.

I am of opinion that a warrant is necessary to compel the attendance of the defendant.

(*or* Having regard to the gravity of the alleged offence and the circumstances of the case I am of the opinion that a warrant should be issued):

And I direct you to arrest the defendant and bring him before a District Court as soon as possible to answer to the information.

Date:

Signature:

(Justice of the Peace/Community Magistrate/Registrar (not being a constable)*)

*Select one.

Form 4 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words "Justice of the Peace", the words "*or* Community Magistrate".

Form 5

Warrant to arrest in summary proceedings
(where issued by a District Court judge)*Section 19(1)(c), Summary Proceedings Act 1957*

Number:

Year:

To every constable/[*full name*], constable*

*Select one.

On [*date*] an information was laid/a complaint was made* that [*full name*], of [*address, occupation*] (hereinafter called the **defendant**), at [*place*] on [*date*] [*here set out the alleged offence or matter of complaint*].

*Select one.

I am of opinion that there are grounds for the issue of a warrant.

And I direct you to arrest the defendant and bring him before a District Court as soon as possible to answer to the information (complaint).

Date:

Signature:

(District Court Judge)

Form 5 was amended, as from 1 April 1996, by regulation 2(1) Summary Proceedings Regulations 1958, Amendment No 25 (SR 1996/26) by substituting the expression "Section 19(1)(c)" for the expression "Section 19(c)".

Form 5A

Police summons to defendant

Section 19A, Summary Proceedings Act 1957

To [full name], of [address, occupation]

You have been arrested without warrant.

The charge against you is that you the said [full name] *(within the space of (6) months last past, namely,) on [date] at [place] [here set out the substance of the offence] being a summary offence or an indictable offence that may be dealt with summarily [here add section and statute applicable].

An information in respect of this offence will be laid and filed within 7 days.

You are now being released without bail.

You are summoned to appear on [date, time]†, at the District Court at [place], to answer to the charge.

*Delete if inapplicable

†This day must be not later than 2 months after the date of this summons.

Date:

Signature:

(Constable)

Form 5A was inserted by regulation 3(1)(a) Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136) and amended by regulation 4(1)(a) Summary Proceedings Regulations 1958, Amendment No 8 (SR 1977/93) by inserting the words "or an indictable offence that may be dealt with summarily".

Form 5B
Traffic summons to defendant in relation to
breath-alcohol offence

Section 19B, Summary Proceedings Act 1957

To [full name], of [address, occupation]

You have undergone an evidential breath test pursuant to section 69 of the Land Transport Act 1998.

The result of that evidential breath test was positive but you did not, within 10 minutes of being advised of—

- the result of that evidential breath test; and
- your right to request a blood test; and
- the other matters specified in section 77(3)(a) of the Land Transport Act 1998,—

advise a traffic officer or a constable that you wished to undergo a blood test.

The charge against you is that you, the said [full name], within the space of 6 months last past, namely, on [date, time].

*Drove [*attempted to drive] a motor vehicle on a road while the proportion of alcohol in your breath, as ascertained by an evidential breath test, exceeded 400 micrograms of alcohol per litre of breath, in that it was [number] micrograms of alcohol per litre of breath (being an offence against section 56(1) of the Land Transport Act 1998).

*Being a person under 20 years of age, *drove [*attempted to drive] a motor vehicle on a road while the proportion of alcohol in your breath, as ascertained by an evidential breath test, exceeded 150 micrograms of alcohol per litre of breath in that it was [number] micrograms of alcohol per litre of breath (being an offence against section 57(1) of the Land Transport Act 1998).

An information in respect of this offence will be laid and filed as soon as practicable, and in any event not later than 7 days after the day the evidential breath test was administered.

You are summoned to appear on [date, time]†, at the District Court/Youth Court* at [place] to answer the charge.

*Delete which is not inapplicable

†This day must be not later than 2 months after the date of this summons.

Form 5B—*continued*

Date:

Signature:

(Constable/Traffic Officer*)

*Select one.

Prosecuting authority:

*[Notes to be included on defendant's copy of
summons]*

Notes to defendant

- 1 *Failure to appear:* failure to appear at the Court named in this summons at the time and place stated above may result in the issue of a warrant for your arrest.
- 2 *Prosecuting authority:* any enquiries regarding the charge against you should be directed to the prosecuting authority that issued this summons. The prosecuting authority's name and address appear in the box at the bottom of this summons.
- 3 *Legal advice:* you should whenever possible obtain legal advice before the day on which you are required to attend court. Seek advice from your own lawyer or from a Citizens Advice Bureau or Legal Advice Centre.
- 4 *Legal aid:* If you want a lawyer to act for you but think you cannot afford one you can apply to the Court for legal aid. Do this as soon as possible. If aid is granted the Court will appoint a lawyer to represent you. Apply for legal aid at the District Court. The Registrar will answer any questions you may have.

Form 5B was inserted by regulation 3 Summary Proceedings Regulations 1958, Amendment No 18 (SR 1989/12), and amended by regulation 2 Summary Proceedings Regulations 1958, Amendment No 21 (SR 1993/81) by substituting the boxed paragraph beginning "Being a person under 20 years of age, drove".

Form 5B was further amended, as from 1 April 1996, by regulation 2(2) Summary Proceedings Regulations 1958, Amendment No 25 (SR 1996/26) by substituting the words "Youth Court" for the words "Children and Young Persons Court".

Form 5B was further amended, as from 1 March 1999, by regulations 2(a) Summary Proceedings Amendment Regulations (No 6) 1998 (SR 1998/450) by omitting the words "section 58B of the Transport Act 1962", and substituting the words "section 69 of the Land Transport Act 1998". It was further amended by regulation 2(b) by omitting the words "section 58(4)(a) of the Transport Act

Form 5B—*continued*

1962”, and substituting the words “section 77(3)(a) of the Land Transport Act 1998”. It was further amended by regulation 2(c) by omitting the words “being a summary offence against section 58(1)(a) of the Transport Act 1962”, and substituting the words “being a summary offence against section 56(1) of the Land Transport Act 1998”. It was further amended by regulation 2(d) by omitting the words “being a summary offence against section 58(1)(f) of the Transport Act 1962”, and substituting the words “being a summary offence against section 57(1) of the Land Transport Act 1998”.

Form 5B was amended, as from 29 December 2001, by section 14(3)(a) Land Transport (Road Safety Enforcement) Amendment Act 2001 (2001 No 104) by omitting from Form 5B the first asterisk that appears on the form.

Form 5B was further amended, as from 29 December 2001, by section 14(3)(b) Land Transport (Road Safety Enforcement) Amendment Act 2001 (2001 No 104) by omitting the words “*The result of that evidential breath test, being a test carried out by means of a conclusive evidential breath-testing device, indicated that the proportion of alcohol in your breath exceeded 600 micrograms of alcohol per litre of breath.”.

Form 6
Summons to witness

Section 20(1) and (2) , Summary Proceedings Act 1957

To *[full name]*, of *[address, occupation]*

You are summoned at the request of the informant/complainant/defendant* to appear as a witness at the District Court at *[place]* on *[date, time]* and on such other days as may be directed by the Court to give evidence in respect of a charge (complaint) of (that) *[here state brief particulars of charge or complaint]* laid (made) by *[name of informant or complainant]* against *[name of defendant]*.

*Select one.

*You are required to bring with you and produce *[specify what is to be produced]*.

*Delete if inapplicable.

Date:

Signature:

(District Court Judge/Justice of the Peace/Community Magistrate/Registrar*)

*Select one.

Form 6 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words "Justice of the Peace", the words "or Community Magistrate".

Form 6A

Summons to non-party to appear and produce
information*Section 20(1), (1A), and (2), Summary Proceedings Act 1957***To** *[full name, address]*

You are summoned at the request of the prosecutor/defendant* to appear and produce the information set out below at the District Court at *[place]* on *[date, time]* and on such other days as may be directed by the Court in respect of—

- †(a) a charge of *[particulars of charge]* laid by *[name of informant]* against *[full name of defendant]*.
†(b) a complaint made by *[name of complainant]* against *[full name of defendant]* that *[particulars of complaint]*.

*Select one.

†Select the paragraph that applies.

The information you are required to bring with you and produce is *[specify information to be produced]*.

Date:

Place:

Signature:

(District Court Judge/Justice of the Peace/Community Magistrate/Registrar*)

*Select one.

Schedule 1 form 6A: inserted, on 29 June 2009, by regulation 12(a) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 7

Warrant for attendance of a witness

Section 20(4), Summary Proceedings Act 1957

To every constable/[*full name*], constable*

*Select one.

I am satisfied that [*full name*], of [*address, occupation*], whose evidence at the hearing is required by the informant/complainant/defendant* in the case of [*title of proceedings*], the charge (complaint) being [*specify*] will not attend without being compelled to do so:

*Select one.

And I direct you to arrest the said [*full name of witness*] and bring him to the District Court at [*place*] on [*date, time*].

Date:

Signature:

(District Court Judge/Registrar*)

*Select one.

(This warrant may be issued only by a District Court Judge or a Registrar.)

[*Not printed*]

Form 7 was amended, as from 1 April 1996, by regulation 2(3) Summary Proceedings Regulations 1958, Amendment No 25 (SR 1996/26) by inserting the words “or Registrar” and “or a Registrar” after the words “District Court Judge”.

Form 7A

Warrant of commitment of witness

Section 20(4A)(a), Summary Proceedings Act 1957

CR number:

To every constable/[*full name*], constable*
and to the Superintendent of the prison at [*place*]

*Select one.

[*Full name*], of [*address, occupation*] (hereinafter called the **witness**), a witness in the case of [*title of proceedings*] for hearing before this Court was arrested pursuant to a warrant issued under section 20(4) of the Summary Proceedings Act 1957 and brought before me.

I hereby order that the witness be committed to prison to be detained until the hearing of the case and **I direct you**, the said constable(s), to deliver the witness to the prison at [*place*] and you, the said Superintendent, to receive the witness into your custody and to detain him until [*day, date*], when you are required to bring him to the District Court at [*place*] at [*date, time*], to give his evidence.

Date:

Signature:

(District Court Judge)

[*Back*]

Certificate of grant of bail

I hereby certify that I have granted bail to the said [*full name of witness*], subject to the following condition(s):

Signature:

(District Court Judge)

Form 7A was inserted by regulation 3(1)(b) Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Form 7A was amended, as from 1 August 1987, by regulation 2(1) Summary Proceedings Regulations 1958, Amendment No 7 (SR 1987/211) by substituting

Form 7A—*continued*

the “Certificate of Grant of Bail” for the “Certificate of Consent to Bail by Court”.

Form 7A was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “Manager” for the word “Superintendent” in both places where it appears. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 8
Warrant where witness fails to appear
Section 38, Summary Proceedings Act 1957

Number:

Year:

To every constable/[*full name*], constable*

*Select one.

[*Full name*], of [*address, occupation*], was summoned to give evidence on [*date*], at the District Court at [*place*] in the case of [*title of the proceedings*] and failed to appear and has offered no just excuse for his failure.

I am/we are* satisfied that the summons was duly served on him and that he was not required to travel more than 10 miles to attend the hearing (*or* that expenses in accordance with the prescribed scale were tendered to him).

I/We* direct you to arrest the said [*full name of witness*] and bring him to the District Court at [*place*] on [*date, time*].

*Select one.

Date:

Place:

Signature(s):

(District Court Judge/Justice(s) of the Peace/Community Magistrate(s)*)

*Select one.

[*Not printed*]

Form 8 was amended, as from 1 November 1998, by regulation 13(b) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice(s) of the Peace”, the words “*or* Community Magistrate(s)”.

Form 9
Warrant of commitment for a witness refusing
to give evidence

Section 39, Summary Proceedings Act 1957

Number:

Year:

To every constable/[*full name*], constable*

and to the Superintendent of the penal institution at [*place*]

*Select one.

[*Full name*], of [*address, occupation*] (hereinafter called the **witness**), a witness in the case of [*title of the proceedings*] now being heard before this Court, refuses to give evidence/refuses to be sworn/having been sworn refuses to answer questions concerning the charge* without offering any just excuse for his refusal:

*Select one.

I/We* direct you, the said constable(s), to arrest the witness and deliver him to the Superintendent of the penal institution at [*place*], and you, the said Superintendent, to receive the witness into your custody and to detain him for [*number*] days, unless he sooner consents to give evidence/to be sworn/to answer the questions put to him*.

*Select one.

And I/we* further direct you, the said Superintendent, to bring the witness to the District Court at [*place*] on [*date, time*] , or at such earlier time as he consents to give evidence/to be sworn/to answer the questions put to him*.

*Select one.

Date:

Place:

Signature(s):

(District Court Judge/Justice(s) of the Peace/Community Magistrate(s)*)

Form 9—*continued*

*Select one.

[*Not printed*]

Form 9 was amended, as from 1 November 1998, by regulation 13(b) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice(s) of the Peace”, the words “*or* Community Magistrate(s)”.

Form 9 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “Manager” for the word “Superintendent”. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 9 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “prison” for the words “penal institution”. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 9A
Notice of prosecution for minor offence
Section 20A, Summary Proceedings Act 1957

CR number:

To *[set out name and address of defendant in postal address form]*

District Court:

Occupation:

Date of birth:

*Driver's licence number:

*Latest coupon issued by:

*Delete if inapplicable.

Take notice that I *[full name of informant]* of *[address, capacity in which acting]*, allege that you, the above-named *[full name of defendant]*, did, on *[date]* at *[place]* commit an offence against *[here set out section and statute applicable]* in that you *[here set out brief details of the offence]*.

The facts on which I base this allegation are contained in the summary set out below (*or attached to this notice and signed by me).

Penalty

The maximum penalty for this offence is a fine not exceeding \$*[amount]*.

*The minimum penalty expressly provided for the offence is *[give particulars]*.

*Other consequences of conviction for the offence are *[give particulars in accordance with section 20A(3)(c) of the Summary Proceedings Act 1957]*.

I certify that I believe that I have just cause for this allegation and that, to the best of my knowledge and belief the summary of the facts and the other particulars relating to the offence or to the defendant, which facts and particulars are set out below (*or on an attached sheet of paper signed by me), are true and correct.

*Delete if inapplicable.

Form 9A—*continued*

Date:

Signature:

(Informant)

Summary of facts
(and other relevant matters)

The facts on which the informant bases his allegations are as follows: (*or are set out on the attached sheet of paper headed **Summary of facts** and signed by the informant). [*The summary must be sufficient to fully and fairly inform the defendant of the allegations against him. Particulars of other matters (not being previous convictions) which the Informant considers are relevant to the imposition of a penalty may also be included.*]

*Previous convictions

*Particulars of the defendant's previous convictions are attached.

*Delete if inapplicable.

Notice to defendant of his rights

When writing or making inquiries please quote this number.

CR number:

- (1) **You have been charged with an offence*.**
- (2) **If you wish to deny the charge or to appear before the Court** for that or any other purpose related to the alleged offence you **must** send written advice to that effect to the Registrar, [*name of district*] District Court, [*address*] by the [*date*]. A summons will then be issued requiring you to appear before the Court.
- (3) **If you wish to plead guilty** to the charge you may in writing addressed to the Registrar at the above address, give notice that you plead guilty. In that notice you may—
 - (a) state matters in relation to the offence, which you wish the Court to take into consideration:
 - (b) make submissions with regard to the appropriate penalty:

Form 9A—*continued*

- (c) unless a minimum sentence for the offence is expressly provided for, put forward reasons why you should be discharged without conviction under section 106 of the Sentencing Act 2002.
- (4) **If you do nothing**, then, after the date specified in paragraph (2) above, a District Court Judge may deal with you on the basis of the summary of the facts given to you as if you had appeared before the Court and pleaded guilty.
- (5) **Previous convictions:** If this notice is accompanied by particulars of any previous convictions against you, the District Court Judge may take these into account in deciding whether or not to impose a penalty, and, if one is imposed, its amount. If you dispute particulars of any conviction you should send written advice to that effect to the Registrar by the date specified in paragraph (2) above. A summons will then be issued.

Date:

Signature:

((Deputy) Registrar)

***Note**—If the offence alleged against you is a speeding offence detected by an approved speed camera, you may have certain defences under section 133 of the Land Transport Act 1998. You should consult a lawyer immediately for advice about these defences and as to whether they are available to you.

Note—If you are in doubt consult a solicitor or the Registrar immediately.

The office hours of the Court are:

Form 9A was inserted by regulation 3(1)(c) Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Form 9A, “NOTICE TO DEFENDANT OF HIS RIGHTS”, was amended by regulation 2 Summary Proceedings Regulations 1958, Amendment No 24 (SR 1993/314), by inserting in (1) the symbol “*”.

Form 9A, the Note marked with the symbol “*” was inserted by regulation 2(2) Summary Proceedings Regulations 1958, Amendment No 24 (SR 1993/314).

Form 9A was amended, as from 1 March 1999, by regulation 3 Summary Proceedings Amendment Regulations (No 6) 1998, by omitting the words “section

Form 9A—*continued*

41B of the Transport Act 1962”, and substituting the words “section 133 of the Land Transport Act 1998”.

Form 9A, paragraph (3)(c) was amended by regulation 4(1) Summary Proceedings Regulations 1958, Amendment No 13 (SR 1985/231), by substituting the words “section 19 of the Criminal Justice Act 1985” for the words “section 42 of the Criminal Justice Act 1954”.

Form 9A, subclause (3)(c) was substituted, as from 30 June 2002, by regulation 7(1) Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

Form 9B
Summons to defendant for a minor offence
Section 20A(8), Summary Proceedings Act 1957

CR number:

To *[Set out name and address of defendant]*

District Court:

Occupation:

Date of birth:

*Driver's licence number:

*Latest coupon issued by:

*Delete if inapplicable.

[Full name of informant], of *[address, capacity in which acting]* has filed a notice of prosecution for a minor offence, signed by him on *[date]*, alleging that you the said *[full name of defendant]* did on *[date]* at *[place]* commit an offence against *[here set out section and statute applicable]* in that you *[here set out brief details of the offence]*.

The facts on which this allegation is based are contained in the summary of facts set out in, or attached to, the said notice of prosecution. You have indicated that you wish to deny the charge or to appear before the Court for that or another purpose* or a District Court Judge has directed that this summons be issued*.

You are therefore summoned to appear on *[date, time]*, at the District Court at *[place]*, to answer to the said notice of prosecution.

*Delete if inapplicable.

Date:

Signature:

(District Court Judge/Justice of the Peace/Community Magistrate/Registrar/Deputy Registrar (not being a constable)*)

*Select one.

Form 9B was inserted by regulation 4(1)(b) Summary Proceedings Regulations 1958, Amendment No 8 (SR 1977/93).

Form 9B—*continued*

Form 9B was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice of the Peace”, the words “*or Community Magistrate*”.

Form 10
Reminder notice in respect of infringement
offence
Section 21(2) and (3C)(b), Summary Proceedings Act 1957

(Front page)
Reminder notice in respect of infringement
offence

Reminder notice number:

CR number:

Informant

Name:

Address:

Details of person to whom infringement notice issued

Full name:

Full address:

Telephone number(s):

Date of birth:

Gender:

Occupation:

Details of alleged infringement offence

The informant alleges that you committed an infringement offence:

On: *[date]*

At: *[place]*

At: *[time]*

In that you: *[specify details of offence]*

The offence is one against *[specify enactment and provision contravened]*.

Name or number, if any, of officer who issued notice: *[specify]*

Penalty for offence

The penalty for the offence is:

Infringement fee: \$

Form 10—*continued*

Amount of infringement fee unpaid: \$

Other fees [*specify if any*]: \$

Total payable: \$

Other penalties [*specify if any*]:

Payment of infringement fee

The infringement fee was payable to the informant within 28 days after [*specify date infringement notice was delivered personally or posted*].

The infringement fee remains payable to the informant at [*specify informant's address at which fee may be paid*].

The last day for payment is 28 days after service of this notice [*specify date*].

Payments by cheque should be made out to [*specify name of payee*] and crossed "Not Negotiable".

Service details

[*To be provided for filing in Court.*]

Infringement notice

Served by personal service/registered post/ordinary post*

*Select one.

On: [*date of service*]

Reminder notice

Served by personal service/registered post/ordinary post*

*Select one.

On: [*date of service*]

At: [*full address at which reminder notice served*]

Important

Queries or other correspondence related to the offence must be directed to the informant at the address specified above.

Form 10—*continued*

Please include in all written correspondence—

- the date of the alleged infringement offence; and
- the number of this reminder notice; and
- your full name and full address for replies.

If you wish to deny the offence or wish to have a Court consider submissions in respect of the offence, follow the directions in paragraphs 2 to 4 of the notes below.

Please read the notes below. If, after reading those notes, you do not understand something in them, you should consult a lawyer immediately.

(Back page)

Notes to defendant

You have not paid the infringement fee described on the front page, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.

Note—If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time to pay arrangement with the informant in respect of an infringement fee payable by you, paragraphs 3 and 4 below do not apply and you are not entitled either to request a hearing to deny liability or to ask the Court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

Payment of infringement fee

- 1 If you pay the infringement fee or the amount of the infringement fee remaining unpaid not later than the last day for payment, no further enforcement action will be taken against you. Payments should be made to the informant at the address shown on the front page of this notice.

Further action

- 2 If you wish to raise any matter relating to the circumstances of the alleged offence or to seek further information about the

Form 10—*continued*

alleged offence, you should do so by writing to the informant at the address shown on the front page of this notice not later than the last day for payment.

- 3 If you wish to deny liability in respect of the alleged offence, you should, not later than the last day for payment, write to the informant at the address shown on the front page of this notice requesting a hearing in respect of the offence. The informant will then decide whether to commence court proceedings. If the informant does decide to commence court proceedings you will be served with a notice of hearing setting out the place and time at which the matter will be heard by the Court.

Note—If the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

- 4 If you admit liability in respect of the alleged offence but wish to have the Court consider submissions as to penalty or otherwise, you should, not later than the last day for payment, write to the informant at the address shown on the front page of this notice requesting a hearing in respect of the offence and in that same letter

- (a) admit liability in respect of the offence; and
- (b) set out the submissions that you would wish to be considered by the Court.

The informant will then, if it decides to commence court proceedings in respect of the offence, file your letter with the Court. You are not entitled to make oral submissions to the Court if you follow this course of action.

Note—Costs will be imposed in addition to any penalty.

Non-payment of infringement fee

- 5 If you do not pay the infringement fee or the amount of the infringement fee remaining unpaid and do not request a hearing in respect of the alleged infringement offence not later than the last day for payment, you will become liable to pay costs in addition to a fine (if the informant decides to commence court proceedings against you). The fine will be equal to the amount

Form 10—*continued*

of the infringement fee or the amount of the infringement fee remaining unpaid.

Defence

- 6 You will have a complete defence against proceedings relating to the alleged offence if the infringement fee, or the amount of the infringement fee remaining unpaid, is paid to the informant at the address shown on the front page of this notice not later than the last day for payment. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence.

Note—All payments, all queries, and all correspondence about this reminder notice must be directed to the informant at the address shown on the front page of this notice.

Form 10 was substituted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 5 (SR 1969/275) and was revoked by regulation 4(1)(c) Summary Proceedings Regulations 1958, Amendment No 8 (SR 1977/93).

A new Form 10 was inserted by regulation 3 Summary Proceedings Regulations 1958, Amendment No 11 (SR 1981/228).

Form 10 was substituted by regulation 3(1) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311), substituted again by regulation 2 Summary Proceedings Regulations 1958, Amendment No 22 (SR 1993/150), and substituted again, as from 1 November 1993, by regulation 3 Summary Proceedings Regulations 1958, Amendment No 24 (SR 1993/314).

Form 10 was further substituted, as from 1 November 1998, by regulation 14(1) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Form 10 was further substituted, as from 1 March 1999, by regulation 4 Summary Proceedings Amendment Regulations (No 6) 1998 (SR 1998/450).

Form 10 was further substituted, as from 1 February 2000, by regulation 2 Summary Proceedings Amendment Regulations 1999 (SR 1999/360).

Form 10 was substituted, as from 10 October 2006, by regulation 9 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

Form 10A
Notice of hearing in respect of infringement
offence

Section 21(6), (7), (8), Summary Proceedings Act 1957

CR number:

Informant

Name:

Address:

Defendant

Name:

Address:

Date of birth:

Sex:

Occupation:

Driver's licence number:

An infringement notice [*number of notice*] was issued on [*date of issue of notice*] by [*name or number, if any, of officer who issued notice*] and served on the defendant on [*date of service of notice*] by [*method of service*].

The infringement notice alleges that on [*date*] at [*place*] the defendant committed an offence against [*here set out enactment and provision applicable*] in that the defendant [*here set out details of the offence, including the registration number of any vehicle used in the offence*].

*The informant served a reminder notice [*number of reminder notice*] in respect of the alleged offence on the Defendant on [*date of service of reminder notice*] by [*method of service*].

The defendant by notice in writing signed by the defendant and delivered to the informant on [*date on which notice received by informant*] requested a hearing in respect of the alleged offence.

*The defendant did not in that notice admit liability in respect of the alleged offence and accordingly the alleged offence will be heard by the District Court at [*place*] on [*date, time*].

*Delete if inapplicable.

***The defendant should attend that Court at that time.**

Form 10A—*continued*

*The defendant did in that notice admit liability in respect of the alleged offence and accordingly the defendant's notice is filed with this Notice of Hearing.

*Delete if inapplicable.

Notes to defendant

- 1 Failure to attend will result in the case being dealt with in your absence.
- 2 If the offence is proved, you will be ordered to pay costs in addition to any other penalty imposed.
- 3 If you are in doubt, you should consult a solicitor or the Registrar immediately.
- 4 If you change your address, please notify the Registrar immediately.

Notice of alibi

If you intend to give evidence of an alibi (by showing that you were not at the place where the offence was committed at the time it was committed), you must give notice to the prosecutor within 14 days after you plead not guilty to a summary offence.

Form 10A was inserted by regulation 3 Summary Proceedings Regulations 1958, Amendment No 11 (SR 1981/228), and substituted by regulation 3(1) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Schedule 1 form 10A: amended, on 29 June 2009, by regulation 11 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 11
Warrant of commitment on adjournment
Section 47, Summary Proceedings Act 1957

Number:

Date:

To every constable/[*full name*], constable***and to** the Superintendent of the penal institution at [*place*]

*Select one.

The hearing of a charge of [*substance of charge*] against [*full name*], of [*address, occupation*] (hereinafter called the **defendant**), has been adjourned, and the defendant has been remanded in custody for the period of the adjournment.

I/We* direct you, the said constable(s), to deliver the defendant to the penal institution at [*place*], and you, the said Superintendent, to receive the defendant into your custody and to detain him until [*day, date*], when you are required to bring him to the District Court at [*place*] at [*tine*] to answer further to the charge.

*Select one.

Date:

Signature(s):

(District Court Judge/Justice(s) of the Peace/Community
Magistrate(s)/Registrar*)

*Select one.

Form 11—*continued*

[*Back*]

Certificate of grant of bail

I/We* hereby certify that I/we* have granted bail to the said [*full name of defendant*], subject to the following condition(s):

*Select one.

Date:

Signature(s):

(District Court Judge/Justice(s)/Community Magistrate(s)/Registrar*)

*Select one.

Form 11 was amended by regulation 2(2) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211) by substituting the “Certificate of grant of bail” for the “Certificate of consent to bail by Court or Justice remanding prisoner”.

Form 11 was amended, as from 1 April 1996, by regulation 2(4) Summary Proceedings Regulations 1958, Amendment No 25 (SR 1996/26) by inserting the words “or Registrar” after the words “or Justice(s) of the Peace” and the words “or Justice(s)”.

Form 11 was amended, as from 1 November 1998, by regulation 13(b) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the word “Justice(s)”, the words “or Community Magistrate(s)”.

Form 11 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “Manager” for the word “Superintendent”. See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 11 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “prison” for the words “penal institution”. See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

12

[Revoked]

Forms 12, 12A, 13, and 14 were revoked, as from 1 August 1987, by regulation 2(2) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

12A

[Revoked]

Forms 12, 12A, 13, and 14 were revoked, as from 1 August 1987, by regulation 2(2) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

13

[Revoked]

Forms 12, 12A, 13, and 14 were revoked, as from 1 August 1987, by regulation 2(2) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

14

[Revoked]

Forms 12, 12A, 13, and 14 were revoked, as from 1 August 1987, by regulation 2(2) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

15

[Revoked]

Form 15 was revoked, as from 4 June 1974, by regulation 3(1)(d) Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

16

[Revoked]

Form 16 was substituted by regulation 2(4) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

Form 16 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice of the Peace”, the words “or Community Magistrate”.

Form 16 was revoked, as from 1 January 2001, by regulation 3 Summary Proceedings Amendment Regulations 2000 (SR 2000/249).

17

[Revoked]

Forms 17, 18, 19, and 20 were revoked, as from 1 August 1987, by regulation 2(5) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

18

[Revoked]

Forms 17, 18, 19, and 20 were revoked, as from 1 August 1987, by regulation 2(5) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

19

[Revoked]

Forms 17, 18, 19, and 20 were revoked, as from 1 August 1987, by regulation 2(5) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

20

[Revoked]

Forms 17, 18, 19, and 20 were revoked, as from 1 August 1987, by regulation 2(5) Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

Form 21

Warrant to arrest defendant who does not appear

Section 61, Summary Proceedings Act 1957

Number:

Year:

To every constable/[*full name*], constable*

*Select one.

[*Full name*], of [*address, occupation*], (hereinafter called the **defendant**), who is charged with [*specify charge*] was served with a summons a reasonable time before the day appointed for the hearing.

And the defendant has not appeared this day at the hearing.

And the offence charged is one in respect of which the defendant is entitled to elect to be tried by a jury (*or, if the warrant is issued under para (b) and* the defendant is liable on conviction to a sentence of imprisonment.)

I direct you to arrest the defendant and bring him before a District Court as soon as possible.

Date:

Signature(s):

(District Court Judge/Justice(s) of the Peace/Community
Magistrate(s)/Registrar*)

*Select one.

*[Alternative form to be used where defendant
has been bailed to appear before the Court]*

To every constable/[*full name*], constable*

*Select one.

[*Full name*], of [*address, occupation*], (hereinafter called the **defendant**), who is charged with [*specify charge*] following his arrest was released on bail to attend personally on the day appointed for the hearing.

And the defendant did not appear at the hearing.

Form 21—*continued*

I direct you to arrest the defendant and bring him before a District Court as soon as possible.

Date:

Signature(s):

(District Court Judge/Justice(s) of the Peace/Community
Magistrate(s)/Registrar*)

*Select one.

Form 21 was amended, as from 1 April 1996, by regulation 2(5) Summary Proceedings Regulations 1958, Amendment No 25 (SR 1996/26) by inserting the words “or Registrar” after the words “or Justice(s) of the Peace”.

Form 21 was amended, as from 1 November 1998, by regulation 13(b) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice(s) of the Peace”, the words “or Community Magistrate(s)”.

Form 21A
Warrant to arrest defendant who does not attend
personally

Sections 65, 66, Summary Proceedings Act 1957

Number:

Year:

To every constable/[*full name*], constable*

*Select one.

[*Full name*], of [*address, occupation*] (hereinafter called the **defendant**), is charged with [*specify charge*].

The defendant is liable on conviction to a sentence of imprisonment and was not personally present at the hearing this day and I/we* think fit to issue a warrant to arrest him or her and bring him or her before a Court.

(or The offence charged is one in respect of which the defendant is entitled to elect to be tried by a jury and, the defendant not being personally present, his or her counsel (solicitor) has at the hearing this day informed the Court that the defendant does not so elect, but I/we* think fit to issue a warrant to arrest the defendant and bring him or her before a Court.)

I/We* direct you to arrest the defendant and bring him or her before a District Court/this Court* as soon as possible.

*Select one.

Date:

Signature(s):

(District Court Judge/Justice(s) of the Peace/Community
Magistrate(s)/Registrar*)

*Select one.

Form 21A was inserted by regulation 2(1) Summary Proceedings Regulations 1958, Amendment No 23 (SR 1993/252).

Form 21A was amended, as from 1 April 1996, by regulation 2(6) Summary Proceedings Regulations 1958, Amendment No 25 (SR 1996/26) by inserting the words “or Registrar” after the words “or Justice(s) of the Peace”.

Form 21A—*continued*

Form 21A was amended, as from 1 November 1998, by regulation 13(b) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice(s) of the Peace”, the words “*or* Community Magistrate(s)”.

Form 22
Criminal records

Section 71, Summary Proceedings Act 1957

District Court:

Number:

Person charged:

Hearing date:

Prosecutor:

[Set out full name and address of defendant]

Offence *[give brief particulars]*

Plea: *[state plea]*

Adjourned or remand dates:

Decision: *[state decision]*

Adjourned or remand dates:

Signature:

(District Court Judge)

Form 22 was substituted by regulation 3(1)(e) Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136) and amended by regulation 4(1)(d) Summary Proceedings Regulations 1958, Amendment No 8 (SR 1977/93) by substituting the word "RECORDS" for the words "RECORD BOOK".

Form 23

Warrant to seize property where order for
immediate payment of fine has not been
complied with

Section 83(2)(a), Summary Proceedings Act 1957

To every bailiff or constable

The defendant [*defendant's full name*] of [*defendant's current address*], [*defendant's current phone number(s)*], [*defendant's current occupation*] was convicted by the District Court at [*name*] on [*date*] and was ordered to pay:

Reparation (\$)	Fine (\$)	Court costs (\$)	Other costs (\$)
[<i>specify</i>]	[<i>specify</i>]	[<i>specify</i>]	[<i>specify</i>]

The Court ordered the defendant to pay the fine(s) **immediately**.

The amount remains (or the amounts remain) unpaid.

The Court has directed that a warrant to seize property be issued.

Unless the total amount stated below is paid, you are authorised to seize any property which is apparently the defendant's and deliver it to the Registrar at [*place*] District Court or to a person or place specified by the Registrar.

The Registrar must ensure the seized property is held until the total amount stated below is paid, the property is sold, or a District Court Judge decides what is to happen to the seized property.

You may, after producing this warrant to any person who appears to be in charge of the premises occupied by or controlled by the defendant, enter those premises, by force if necessary, if you have reasonable cause to believe that property belonging to the defendant is on the premises.

You may attach an immobilising device to a motor vehicle prior to, or instead of, seizing it.

Amount unpaid: \$

Enforcement fee: \$

Total: \$

Date:

Signature:

Form 23—*continued***(Registrar)**

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 23 was substituted, as from 1 March 2007, by regulation 8 Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).

Form 24

Warrant of commitment where order for
immediate payment of fine not complied with

Section 83(2)(b), Summary Proceedings Act 1957

Warrant number:

PPN:

To every bailiff or constable

and to the Superintendent of [*specify prison*]

The defendant, [*defendant's full name*] of [*address, occupation*], was convicted of [*specify conviction*] by the [*place*] District Court on [*date*] and was ordered to pay the following amounts:

Reparation: \$

Fine: \$

Court costs: \$

Other costs: \$

On [*date*] the Court ordered the defendant to pay these amounts **immediately**.

Because the defendant has failed to comply with that order, the Court has directed that a warrant of commitment be issued for the imprisonment of the defendant for a period of [*specify period*].

You, the bailiff or constable, are directed to arrest the defendant and deliver the defendant to the Superintendent of [*specify prison*] unless the total amount stated below is paid before this warrant is executed.

And you, the manager, are directed to receive the defendant and imprison the defendant for a period of [*specify period*] or until notified by a Registrar that the total amount stated below has been paid.

Amount unpaid: \$

Enforcement fee: \$

Total: \$

Date:

Signature:

(District Court Judge)

Form 24—*continued*

Schedule 1 form 24: substituted, on 1 March 2008, by regulation 7(1) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 24 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “Manager” for the word “Superintendent”. *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 25
Warrant to seize property for unpaid fine
*Sections 87(1)(a), 88(3)(a), 93, and 100F, Summary
Proceedings Act 1957*

District Court:

PPN:

Defendant's date of birth:

Defendant's gender:

To every bailiff or constable

- 1 [Full name, address, telephone number(s)] (the **defendant**)
was ordered to pay the fines specified in the Schedule to this
warrant.

The fines have not been paid.

Unless the total amount stated below is paid, you are author-
ised to seize any property that apparently belongs to the defen-
dant. This includes any motor vehicle that is jointly owned by
the defendant and another person or persons.

Amount unpaid: \$

Enforcement fee: \$

Total: \$

- 2 *Omit this paragraph if it does not apply.*
[Full name, address, telephone number(s), date of birth] (the
substitute) was served with a written caution on [date] that a
motor vehicle belonging to the substitute could be seized if the
defendant defaults in paying another fine for a traffic offence
committed using a motor vehicle belonging to the substitute.
The amount of overdue fines arising out of the defendant's use
of the substitute's motor vehicle(s), excluding seizure costs,
is: \$[amount].
Unless those fines are paid, you are authorised to seize any
motor vehicle that apparently belongs to the substitute. This
includes any motor vehicle that is jointly owned by the substi-
tute and another person or persons.

- 3 You may do any of the following:

Form 25—*continued*

- (a) if you have reasonable cause to believe that any property belonging to the defendant is on premises occupied by or under the control of the defendant, you may, after producing the warrant to any person apparently in charge of those premises, enter those premises, by force if necessary:
 - (b) if you have reasonable cause to believe that a motor vehicle in which the defendant or the substitute appears to have an ownership interest or other interest is on any premises, you may, after producing the warrant to any person apparently in charge of the premises, enter those premises, by force if necessary:
 - (c) you may seize a motor vehicle in which the defendant or the substitute appears to have an ownership interest or other interest, regardless of the likely resale value of the motor vehicle or the extent of the defendant's or the substitute's interest in the motor vehicle:
 - (d) if the motor vehicle in which the defendant or the substitute appears to have an ownership interest or other interest has been impounded for 14 days, you may seize the motor vehicle from an impoundment yard:
 - (e) you may immobilise a motor vehicle prior to, or instead of, seizing it.
- 4 You must deliver seized property to the Registrar of the District Court at [*place*] or to a person or place specified by the Registrar.

Date:

Signature:
(Registrar)

Form 25—*continued*

Schedule of unpaid fines

CR No	Offence date	Offence details	Fine imposed	Offence type
[specify]	[specify]	[specify]	[specify]	[specify if offence is traffic offence committed in substitute's motor vehicle]

Schedule 1 form 25: substituted, on 1 December 2009, by regulation 4(1) of the Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361).

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 25 was substituted, as from 1 March 2007, by regulation 8 Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).

Form 26

Attachment order for unpaid fines

*Sections 87(1)(b), 88(3)(a), and 103, Summary Proceedings
Act 1957*

To [full name of employer]

[full address of employer]

The Court is satisfied that you are the employer of the defendant, [defendant's full name] of [defendant's current address].

The defendant has an unpaid fine (or unpaid fines).

Because of this, the Court has imposed this attachment order on the defendant's salary or wages. This means that, as their employer, you must make the following deductions from the defendant's salary or wages to recover the outstanding fine(s):

Weekly amount [specify]	Number of weeks [specify]	Plus final weekly amount [specify]	Total amount [specify]
1	The specified weekly amount becomes due on each [specify day of the week]. You must deduct all specified weekly amounts that have become due since the date of the last deduction from each amount of salary or wages that becomes payable to the defendant.		
2	You must make the first deduction from the next amount of salary or wages.		
3	You must continue to make deductions until [specify the date the order expires] or until you are advised by the District Court that this attachment order has been varied, suspended, or cancelled.		
4	This order replaces any existing attachment order for unpaid fines owed by the defendant.		
5	All deductions must be paid by the 20th day of the following month to—		
	<ul style="list-style-type: none"> • the Registrar of the Court; or • the Ministry of Justice trust account, [specify details]. 		
6	However, if the deduction of the specified weekly amount and any deductions of a kind described in note 4 below have the combined effect of reducing the defendant's net earnings below the protected earnings rate of \$[specify protected earnings rate] per week, you must reduce the amount of the deduction		

Form 26—*continued*

under this order to leave the defendant with the protected earnings rate or, if necessary, cancel the deduction.

- 7 You must notify this Court within 7 days if the defendant leaves or is dismissed from your employment.
- 8 Please notify the Court immediately if you have to reduce or cancel a deduction.

Date:

Signature:

(Registrar)

Notes to employers

- 1 In this attachment order—
- (a) the term salary or wages includes—
 - (i) a retiring allowance, pension, or other payment of a similar nature:
 - (ii) all payments of weekly compensation made by the Accident Compensation Corporation under the Injury Prevention, Rehabilitation, and Compensation Act 2001:
 - (iii) a bonus or incentive payment:
 - (iv) a payment of commission:
 - (v) a payment in consideration of work performed under a contract for services:
 - (vi) a benefit; and
 - (b) the term employer includes, in relation to the payments of the kind referred to above, the person or body making the payments.
- 2 While this order is in force, you must make deductions from all salary or wages due to the defendant, whether or not they are due under an employment contract entered into before or after this order was made.
- 3 This attachment order has priority over any deduction created by the defendant whether before or after the date of this order.

Form 26—*continued*

For example, deductions under this order from the defendant's salary or wages must be made before or instead of deductions for insurance premiums or loan repayments.

- 4 Only the following have priority over this attachment order:
- (a) attachment orders and deduction notices under the—
 - (i) Social Security Act 1964:
 - (ii) Family Proceedings Act 1980:
 - (iii) Child Support Act 1991:
 - (iv) Tax Administration Act 1994:
 - (b) any recovery of payments under section 86 of the Social Security Act 1964.
- 5 You cannot charge a fee for administering this order.
- 6 If you do not make the required deductions and pay them to the Court or the Ministry of Justice trust account—
- (a) these amounts become a debt due by you to the Crown; and
 - (b) the Crown could take court action against you to recover this debt.
- 7 It is an offence under sections 106 and 106A of the Summary Proceedings Act 1957 to—
- (a) fail to comply with this order without reasonable excuse:
 - (b) dismiss the defendant or alter the defendant's position in your business or undertaking to the defendant's prejudice by reason of—
 - (i) the defendant having been ordered to pay 1 or more fines:
 - (ii) your receiving this attachment order:
 - (iii) becoming aware that an attachment order is being made or has been made in respect of the defendant.

However, this does not affect your right to take disciplinary action against the defendant for breaching a condition of the defendant's employment that relates to—

- (a) the commission of an offence; or
- (b) the failure to pay any fine in full before enforcement action is due.

Form 26—*continued*

- 8 If you do not understand your obligations under this order, you should consult a lawyer or the Registrar of the Court immediately.

Schedule 1 form 26: substituted, on 1 March 2008, by regulation 7(1) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 26 was substituted, as from 1 November 1998, by regulation 14(1) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Form 26 was substituted, as from 10 October 2006, by regulation 9 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

Form 27

Warrant to arrest defendant for unpaid fine

*Section 88(2B), Summary Proceedings Act 1957***To** every bailiff or constable*[Full name]*, of *[address, occupation]*, was ordered to pay the fine(s) specified in the Schedule to this warrant.The fine remains (*or* fines remain) unpaid.

An order has been made that the defendant be brought before a Registrar/District Court Judge/Community Magistrate* for the purpose of determining what action should be taken in respect of the enforcement of the unpaid fine(s).

I direct you to arrest the defendant and bring the defendant before the Registrar/District Court Judge/Community Magistrate* as soon as possible unless the defendant pays the total amount stated below.

*Select one.

Amount unpaid: \$

Enforcement fee: \$

Total amount: \$

Date:

Signature:

(Registrar)

Schedule of unpaid fine(s)

CR No	Offence date	Offence details	Fine imposed
<i>[specify]</i>	<i>[specify]</i>	<i>[specify]</i>	<i>[specify]</i>

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 27 was amended, as from 1 November 1998, by regulation 13(d) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by substituting the words "TO: Every Bailiff or Constable" for the words "TO: Every Constable".

Form 27 was substituted, as from 10 October 2006, by regulation 9 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

Form 28
Warrant of commitment for unpaid fine
Section 88(3)(b), Summary Proceedings Act 1957

Warrant number:

PPN:

To every bailiff or constable

and to the Manager of [*specify prison*]

The defendant, [*defendant's full name*] of [*address, occupation*], was ordered to pay the fine(s) specified in the Schedule of this warrant.

*The amount remains unpaid.

*The amounts remain unpaid.

*Delete whichever is inapplicable.

Because of this, I have directed that a warrant of commitment be issued for the imprisonment of the defendant for a term of [*specify term*].

*This sentence is to be served at the same time as (that is, concurrently with) the sentence of imprisonment imposed on the defendant at [*place*] District Court, on [*date*], CRN [*specify number*].

*This sentence is to be served after (that is, cumulatively with) the sentence of imprisonment imposed on the defendant at [*place*] District Court, on [*date*], CRN [*specify number*].

*Delete whichever is inapplicable.

You, the bailiff or constable, are directed to arrest the defendant and to deliver the defendant to the manager of [*specify prison*] unless the total amount stated below is paid before this warrant is executed.

You, the prison manager, are directed to receive the defendant and imprison the defendant for a term of [*specify term*] or until notified by a Registrar that the total amount stated below has been paid.

Amount unpaid: \$

Enforcement fee: \$

Total: \$

Date:

Form 28—*continued*

Signature:

(District Court Judge)

Schedule of unpaid fines

CR No	Offence date	Offence details	Fine imposed
[specify]	[specify]	[specify]	[specify]

Schedule 1 form 28: substituted, on 1 March 2008, by regulation 7(1) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 28 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “Manager” for the word “Superintendent”. See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 28A
Order for sentence of home detention for unpaid
fine

Section 88(3)(ba), Summary Proceedings Act 1957

PNN:

To *[defendant's full name]* of *[current address]*, *[current occupation]*,
[current phone number(s)]

You have been ordered to pay the fine(s) specified in the Schedule of
this order.

*The amount remains unpaid.

*These amounts remain unpaid.

*Delete whichever is inapplicable.

Because of this, on *[specify date of sentence]*, a District Court Judge
or Community Magistrate sentenced you to home detention for a
period of *[specify period]* starting on *[specify home detention start
date]*.

You must serve your sentence at *[specify home detention address]*.

*You must go to this address and begin serving your sentence imme-
diately.

*You must go to this address and begin serving your sentence on
[specify home detention start date].

*Delete whichever is inapplicable.

During your sentence, you must comply with the standard detention
conditions listed in paragraph 1 of the "Important information" sheet
attached. These conditions finish on *[specify standard conditions end
date]*.

*In addition, you must comply with the following special detention
conditions:

**[specify special conditions]*.

*These finish on *[specify special conditions end date]*.

*Delete if inapplicable.

To ensure you comply with this sentence, you may be monitored elec-
tronically.

*After you have completed your sentence on *[specify home detention
end date]*, you must comply with the standard post-detention
conditions set out in paragraph 7 of the "Important information"

Form 28A—*continued*

sheet attached. These finish on [*specify standard post-detention conditions end date*].

*Delete if inapplicable.

*You must also comply with the following special post-detention conditions:

*[*specify special post-detention conditions*].

*These finish on [*specify special post-detention conditions end date*].

*Delete if inapplicable.

*This sentence is to be served at the same time as (that is, concurrently with) the sentence of home detention imposed in the High Court at [*place*] on [*date*], CRN [*specify case reference number*].

*Delete if inapplicable.

*This sentence is to be served at the same time as (that is, concurrently with) the sentence of home detention imposed in the District Court at [*place*] on [*date*], CRN [*specify case reference number*].

*Delete if inapplicable.

*This sentence is to be served after (that is, cumulatively with) the sentence of home detention imposed in the High Court at [*place*] on [*date*], CRN [*specify case reference number*].

*Delete if inapplicable.

*This sentence is to be served after (that is, cumulatively with) the sentence of home detention imposed in the District Court at [*place*] on [*date*], CRN [*specify case reference number*].

*Delete if inapplicable.

If you pay \$ [*specify total amount owing*] to the Court, this sentence will be cancelled.

Date:

Signature:

Form 28A—*continued*

(Registrar)

Order served on defendant at [time] am/pm* on [date].

*Delete whichever is inapplicable.

Signature:

(Bailiff/Registrar/Court Officer*)

*Delete whichever is inapplicable.

I, the defendant, have received a copy of this order.

Date:

Signature:

(Defendant)

Department of Corrections advised of order on [date].

Important information

Standard detention conditions

- 1 You **must** comply with the following standard detention conditions:
 - (a) you are under the supervision of a probation officer. You must co-operate with the probation officer and comply with any lawful direction given by that probation officer:
 - (b) you must **NOT** leave the home detention residence at any time, except as outlined in paragraph 2 below:
 - (c) you must keep a copy of this order in your possession at all times. You must produce this order for inspection if a member of the police or a probation officer asks you to do so:
 - (d) you must, when required to do so by a probation officer, submit to the electronic monitoring of compliance with your detention conditions:

Form 28A—*continued*

- (e) a probation officer may direct you not to engage, or continue to engage, in a specific employment or occupation. If a probation officer gives you that direction, you must not engage, or continue to engage, in that employment or occupation:
 - (f) a probation officer may give you a written direction not to associate with any specified person, or with persons of a specified class. If a probation officer gives you that written direction, you must not associate with that specified person or with persons of that specified class:
 - (g) a probation officer may direct you to take part in an assessment of your rehabilitative and reintegrative needs. If and when you are directed to do so, you must take part in that assessment.
- 2 You may leave your home detention residence **ONLY** in the following circumstances:
- (a) to seek urgent medical or dental treatment; or
 - (b) to avoid or minimise a serious risk of death or injury to yourself or another person; or
 - (c) with the approval of a probation officer,—
 - to comply with any special condition of your sentence of home detention:
 - to seek or engage in employment:
 - to attend training or other rehabilitative or reintegrative activities or programmes:
 - to attend a restorative justice conference or other process related to your offending:
 - to carry out any undertaking arising from any restorative justice process:
 - for any other purpose that has been approved specifically by a probation officer, such as the completion of a concurrent community work sentence.
- 3 A probation officer may approve an alternative residence while an application to vary your home detention residence is being considered.

Form 28A—*continued*

- 4 If you have been sentenced to home detention for 6 months or more, and you have completed three-quarters of your sentence, a probation officer may authorise you to spend up to 4 hours per day away from your home detention residence without a specified purpose. The probation officer may authorise such absences for any or all of the remaining days of the sentence.

Warning

If you do not comply with the **standard detention conditions**, without reasonable excuse, you could be arrested and prosecuted. You could be liable to imprisonment for a term not exceeding 1 year or to a fine not exceeding \$2,000.

Other detention requirements

- 5 You **must** allow a probation officer to enter your home detention residence if you are required to be there at that time.
- 6 You **must** also allow an authorised person to enter your home detention residence at any time if the authorised person seeks entry to service or inspect the electronic monitoring equipment.

Warning

If you do not comply with these **other detention requirements**, without reasonable excuse, you could be arrested and prosecuted. You could be liable to imprisonment for a term not exceeding 3 months or be liable to a fine not exceeding \$5,000.

Standard post-detention conditions

- 7 After you have completed your sentence, you **must** comply with the following standard post-detention conditions:
- (a) you must report to a probation officer whenever you are directed to do so:
 - (b) you must tell a probation officer, if he or she asks you to do so, where you are living and the nature and place of any employment you undertake:

Form 28A—*continued*

- (c) if you plan to move within a probation area, you must give a probation officer reasonable notice (unless prior notification is impossible) before moving. You must advise a probation officer of your new address:
- (d) you must have written permission from a probation officer before you move to a new residential address in another probation area. You must report to a probation officer in your new probation area as soon as you can, and not later than 72 hours, after you arrive in the new probation area:
- (e) you must not live at any address that a probation officer has directed you not to live at:
- (f) a probation officer may direct you to not engage, or continue to engage, in a specific employment or occupation. If a probation officer gives you that direction, you must not engage, or continue to engage, in that employment or occupation:
- (g) a probation officer may give you a written direction not to associate with any specified person, or with persons of a specified class. If a probation officer gives you that written direction, you must not associate with that specified person or with persons of that specified class:
- (h) a probation officer may direct you to take part in an assessment of your rehabilitative and reintegrative needs. If and when you are directed to do so, you must take part in that assessment.

Warning

If you do not comply with these **standard post-detention conditions**, without reasonable excuse, you could be arrested and prosecuted. You could be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$1,500.

Variation, cancellation, or discharge of sentence or conditions

- 8 You, or a probation officer, may apply to vary or cancel your home detention sentence under section 80F of the Sentencing Act 2002.

Form 28A—*continued*

- 9 You, or a probation officer, may apply to vary or discharge your post-detention conditions under section 80R of the Sentencing Act 2002.

Schedule of unpaid fines

CR No	Offence date	Offence	Amount imposed
[specify]	[specify]	[specify]	[specify]

Schedule 1 form 28A: inserted, on 1 October 2007, by regulation 6(1) of the Summary Proceedings Amendment Regulations 2007 (SR 2007/294)

Form 28B
Order for sentence of community detention for
unpaid fine

Section 88(3)(bb), Summary Proceedings Act 1957

PPN:

To [defendant's full name] of [current address], [current occupation],
[current phone number(s)]

You have been ordered to pay the fine(s) specified in the Schedule of
this order.

*The amount remains unpaid.

*These amounts remain unpaid.

*Delete whichever is inapplicable.

Because of this, on [specify date of sentence], a District Court Judge
or Community Magistrate sentenced you to [specify number] months,
[specify number] weeks, and [specify number] days of community
detention. This sentence starts on [specify sentence start date].

During this sentence, you will be subject to a curfew. This means that
you must be at the curfew address [specify curfew address] during the
curfew period.

*Your curfew starts every day at [specify time] and finishes at
[specify time].

*Delete if inapplicable.

*Your curfew starts on [specify day] day at [specify time] and
finishes on [specify day] day at [specify time].

*Delete if inapplicable.

*Your curfew starts every week on [specify day] at [specify time]
and finishes on [specify day] at [specify time].

*Delete if inapplicable.

*Your curfew starts every month on [specify day] at [specify time]
and finishes on [specify day] at [specify time].

*Delete if inapplicable.

To ensure you comply with this sentence, you may be monitored elec-
tronically.

*This sentence is to be served at the same time as (that is,
concurrently with) the sentence of community detention imposed in

Form 28B—*continued*

the High Court at *[place]* on *[date]*, CRN *[specify case reference number]*.

*Delete if inapplicable.

*This sentence is to be served at the same time as (that is, concurrently with) the sentence of community detention imposed in the District Court at *[place]* on *[date]*, CRN *[specify case reference number]*.

*Delete if inapplicable.

*This sentence is to be served after (that is, cumulatively with) the sentence of community detention imposed in the High Court at *[place]* on *[date]*, CRN *[specify case reference number]*.

*Delete if inapplicable.

*This sentence is to be served after (that is, cumulatively with) the sentence of community detention imposed in the District Court at *[place]* on *[date]*, CRN *[specify case reference number]*.

*Delete if inapplicable.

You must report in person to a probation officer in the probation area in which you reside as soon as practicable, and not later than 24 hours, after *[specify start date of sentence]*. If the 24 hours elapses on a weekend or a public holiday, you must report on the next working day instead.

If you pay \$ *[total amount owing]* to the Court, this sentence will be cancelled.

Date:

Signature:

(Registrar)

Order served on defendant at *[time]* am/pm* on *[date]*.

*Delete whichever is inapplicable.

Signature:

Form 28B—*continued*

(Bailiff/Registrar/Court Officer*)

*Delete whichever is inapplicable.

I, the defendant, have received a copy of this order.

Date:

Signature:

(Defendant)

Department of Corrections advised of order on [*date*].**Important information****Community detention general conditions**

- 1 You **must** comply with the following community detention general conditions:
 - (a) you must report to a probation officer whenever you are directed to do so by the probation officer during your sentence:
 - (b) you must tell a probation officer where you are living, including any change of address, and the nature and place of any employment you are undertaking if you are asked to do so:
 - (c) you must keep a copy of this order in your possession at all times. You must produce this order for inspection if a member of the police or a probation officer asks you to do so.

Community detention curfew conditions

- 2 You **must** comply with the following curfew conditions:
 - (a) during the curfew, you are under the supervision of a probation officer and must comply with any lawful direction given by that probation officer:
 - (b) during the curfew, you must **NOT** leave the curfew address, except in the circumstances set out in paragraph 3 below.

Form 28B—*continued*

- 3 During the curfew, you may leave the curfew address **ONLY** in the following circumstances:
- (a) to seek urgent medical or dental treatment:
 - (b) to avoid or minimise a serious risk of death or injury to yourself or another person:
 - (c) if a probation officer agrees, on humanitarian grounds. You must comply with any conditions imposed by that probation officer:
 - (d) if you are also completing a sentence of supervision or intensive supervision at the same time as (that is, concurrently with) this sentence, and a probation officer agrees, you may leave the curfew address during your curfew period to:
 - seek or engage in employment:
 - attend training or other rehabilitative or reintegrative activities or programmes:
 - attend a restorative justice conference or other process related to your offending:
 - carry out any undertaking arising from any restorative justice process.

Warning

If you do not comply with the **community detention general conditions** or the **community detention curfew conditions**, without reasonable excuse, you could be arrested and prosecuted. You could be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$1,500.

Other community detention requirements

- 4 You **must** allow a probation officer to enter your curfew address if you are required to be there at that time
- 5 You **must** also allow an authorised person to enter your curfew address at any time if the authorised person seeks entry to service or inspect the electronic monitoring equipment. also allow an authorised person to enter your curfew address at any time if the authorised person seeks entry to service or inspect the electronic monitoring equipment.

Form 28B—*continued***Warning**

If you do not comply with these **other community detention requirements**, without reasonable excuse, you could be arrested and prosecuted. You could be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000.

Variation or cancellation of sentence or conditions

- 6 You, or a probation officer, may apply to vary or cancel your community detention sentence under section 69I of the Sentencing Act 2002.

Schedule of unpaid fines

CR No	Offence date	Offence	Amount imposed
[specify]	[specify]	[specify]	[specify]

Schedule 1 form 28B: inserted, on 1 October 2007, by regulation 6(1) of the Summary Proceedings Amendment Regulations 2007 (SR 2007/294)

29

[Revoked]

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 29 was revoked, as from 30 June 2002, by regulation 7(2) Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

Form 30
Order for sentence of community work for
unpaid fine

Section 88(3)(c), Summary Proceedings Act 1957

PPN:

To [*defendant's full name*] of [*current address*], [*current occupation*],
[*current phone number(s)*]

You have been ordered to pay the fine(s) specified in the Schedule of this order.

*The amount remains unpaid.

*These amounts remain unpaid.

*Delete whichever is inapplicable.

Because of this, on [*specify date of sentence*], a District Court Judge or Community Magistrate sentenced you to [*specify hours of community work*] hours of community work.

*You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours after [*specify date of sentence*].

*The start of your sentence is deferred until [*specify sentence start date*]. You must report to a probation officer in the probation area in which you reside on that date.

*Delete whichever is inapplicable.

*This sentence is to be served at the same time as (that is, concurrently with) the sentence of community work imposed in the High Court at [*place*] on [*date*], CRN [*specify case reference number*].

*Delete if inapplicable.

*This sentence is to be served at the same time as (that is, concurrently with) the sentence of community work imposed in the District Court at [*place*] on [*date*], CRN [*specify case reference number*].

*Delete if inapplicable.

*This sentence is to be served after (that is, cumulatively with) the sentence of community work imposed in the High Court at [*place*] on [*date*], CRN [*specify case reference number*].

*Delete if inapplicable.

Form 30—*continued*

*This sentence is to be served after (that is, cumulatively with) the sentence of community work imposed in the District Court at [place] on [date], CRN [specify case reference number].

*Delete if inapplicable.

*The probation officer may allow you to complete up to 20% of your sentence as training in basic work and living skills.

*Delete if inapplicable.

If you pay \$ [total amount owing] to the Court, this sentence will be cancelled.

Date:

Signature:

(Registrar)

Order served on defendant at [time] am/pm* on [date].

*Delete whichever is inapplicable.

Signature:

(Bailiff/Registrar/Court Officer*)

*Delete whichever is inapplicable.

I, the defendant, have received a copy of this order.

Date:

Signature:

(Defendant)

Department of Corrections advised of order on [date].

Important information

Community work conditions

- 1 You **must** comply with the following community work conditions:

Form 30—*continued*

- (a) you must report to a probation officer whenever you are directed to do so during your sentence:
- (b) you must work as directed by a probation officer until you have completed your sentence:
- (c) if you move to a new residential address, you must advise a probation officer of your new residential address within 72 hours:
- (d) if the probation officer is not satisfied with the quality of your work, he or she can refuse to count these hours towards your sentence. This means that you could be required to complete further hours not exceeding 10% of your total sentence:
- (e) a probation officer may remit up to 10% of your sentence if he or she is satisfied with your compliance with your sentence.

Your sentence

2 The following conditions apply to your sentence:

- (a) you may have to work a maximum of 10 hours in 1 day and a maximum of 40 hours in one week:
- (b) if you are sentenced to 100 hours or less of community work, you must serve your sentence within 6 months of its start date:
- (c) if you are sentenced to more than 100 hours of community work, you must serve at least 100 hours in every 6-month period from your sentence's start date until all the hours in it are served:
- *(d) if you fail, without reasonable excuse, to complete training in basic work and living skills, the hours that you spent undertaking that training will not be counted towards your sentence.

*Delete if inapplicable.

Warning

If you do not comply with these conditions, without reasonable excuse, you could be arrested and prosecuted. You could be liable to

Form 30—*continued*

imprisonment for a term not exceeding 3 months or be liable to a fine not exceeding \$1,000.

Variation or cancellation of sentence

- 3 Your sentence can be varied or cancelled by the Court following an application from you or a probation officer under section 68 of the Sentencing Act 2002.

Schedule of unpaid fines

CR No	Offence date	Offence	Amount imposed
[specify]	[specify]	[specify]	[specify]

Schedule 1 form 30: substituted, on 1 October 2007, by regulation 6(2) of the Summary Proceedings Amendment Regulations 2007 (SR 2007/294).

31

[Revoked]

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 31 was revoked, as from 30 June 2002, by regulation 7(4) Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

Form 31A
Order for return of defendant if conditions of
section 88(3) order not complied with
Section 88(9), Summary Proceedings Act 1957

District Court:

PPN:

To every bailiff or constable

The defendant, [*defendant's full name*] of [*address, occupation*], was
as a result of failing to pay his or her fine(s), ordered on [*date*] to
comply with the following conditions:

[*specify conditions*]

If the defendant does not comply with 1 or more of these conditions,
you are directed to arrest the defendant and bring the defendant be-
fore a District Court Judge or Community Magistrate to determine
what further action should be taken to enforce the payment of the
fine(s).

Date:

Signature:

(District Court Judge/Community Magistrate*)

*Select one.

Note

This order may not be executed until the defendant ceases to comply
with any of the conditions of the order.

Schedule 1 form 31A: substituted, on 1 March 2008, by regulation 7(1) of the
Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2)
Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 31A was inserted by regulation 2(2) Summary Proceedings Regulations
1958, Amendment No 23 (SR 1993/252).

Form 31A was amended, as from 1 April 1996, by regulation 3(8) Summary
Proceedings Regulations 1958, Amendment No 25 (SR 1996/26) by substituting
the words "by a Constable or Bailiff until such time as the defendant ceases to
comply with the conditions of the order" for the words "until such time as the
Registrar advises the Constable or Bailiff that the Defendant has not complied
with the conditions imposed at the time of the order".

Form 32
Notice of property other than motor vehicle
seized under warrant

Section 94(4), Summary Proceedings Act 1957

District Court:

PPN:

To [*defendant's full name*]

[*Defendant's address*]

You have not paid the fine(s) listed in the attached Schedule. Because of this, a warrant to seize property has been executed against your property.

The seized property is listed below and/or in the attachment.

You must, within 7 days after the date on this notice,—

- notify the Registrar as to whether the seized property is yours; and
- supply the name and address of any other person who has an interest in any of the property (as owner or otherwise).

The seized property will be returned if, within 7 days after the date on this notice, you pay the total amount stated below **and** the costs of removing and storing the property. Payment must be made to this District Court.

The seized property may be sold without further notice if, after 7 days from the date of this notice,—

- the fine remains unpaid; and
- no claim in respect of the property has been made by a person other than yourself.

The money received from the sale of the property will be used to pay your fine(s) and the costs of seizing, storing, and selling the property.* Any remaining money will be paid to you unless a court orders otherwise.

If you do not understand this notice, you should consult a lawyer or a Registrar at the Court immediately.

Form 32—*continued*

Amount unpaid: \$

Enforcement fee: \$

Total (excluding expenses*): \$

*The Court will tell you these costs.

List of property seized

[Describe each item seized, giving an identification number if possible.]

Date:

Signature:

(Bailiff, [place] District Court or Constable, [location])

Warning

If you interfere with, rescue, or attempt to rescue seized property, you could be arrested and prosecuted. You could be imprisoned for up to 3 months or fined up to \$2,000.

Schedule of unpaid fines

CR No	Offence date	Offence details	Fine imposed
[specify]	[specify]	[specify]	[specify]

Schedule 1 form 32: substituted, on 1 March 2008, by regulation 7(1) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Schedule 1 form 32 heading: amended, on 1 December 2009, by regulation 4(2) of the Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361).

Form 32A
Summons to hearing of claim for seized property
Section 96(3), Summary Proceedings Act 1957

PPN:

To *[full name of claimant or defendant]*
of *[address]*

This summons relates to property seized from you or from *[defendant's full name]* of *[defendant's address]* under a warrant to seize property executed on *[date]*.

You are summoned to appear before a District Court Judge at the *[place]* District Court on *[date, time]* for the hearing of a claim*/your claim* in respect of—

- *• the seized property (see list of property claimed below):
- *• the value of the seized property:
- *• the proceeds from the sale of the seized property.*

*Delete if inapplicable.

Property claimed: *[list below and/or in attached Schedule, including vehicle type and registration number where relevant]*.

Date:

Signature:

(Registrar)

Note

The purpose of this hearing is to enable a District Court Judge to determine matters arising from the claim to the seized property, for example,—

- the ownership of the seized property:
- whether the seized property should be sold (if not already sold):
- liability for towing and storage costs incurred:
- the distribution of proceeds from the sale of the seized property.

Form 32A—*continued*

Schedule 1 form 32A: substituted, on 1 March 2008, by regulation 7(1) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Forms 23 to 32A were substituted, as from 1 August 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 32AA

Warrant to arrest defendant to determine
defendant's financial circumstances*Section 106E(3), Summary Proceedings Act 1957*

Warrant number:

District Court:

PPN:

To every bailiff or constable

The defendant, [*defendant's full name*], of [*address, occupation*], was ordered to pay the fine(s) specified in the Schedule of this warrant.

*The amount remains unpaid.

*These amounts remain unpaid.

*Delete whichever is inapplicable.

Because of this, a District Court Judge has, for the purpose of determining whether to impose a sentence of home detention or issue a warrant of commitment for the non-payment of the fine(s), directed that the defendant be brought before a District Court Judge in order to assess the defendant's financial ability to pay the total amount stated below.

Unless the total amount stated below is paid before this warrant is executed, you must arrest the defendant and bring the defendant before a District Court Judge as soon as possible.

Amount unpaid: \$

Enforcement fee(s) \$

Total: \$

Date:

Signature:

(District Court Judge/Registrar*)

*Select one.

Form 32AA—*continued*

Schedule of unpaid fines

CR No	Offence date	Offence details	Fine imposed
[specify]	[specify]	[specify]	[specify]

Schedule 1 form 32AA: substituted, on 1 March 2008, by regulation 7(1) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Forms 23 to 32A were substituted by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 32AA was inserted by regulation 2(3) Summary Proceedings Regulations 1958, Amendment No 23 (SR 1993/252).

Form 32B
Claim to seized property
*Sections 96, 97, 100Q, 100T, and 100U, Summary
Proceedings Act 1957*

PPN:

To the Registrar

District Court [*specify*]

This claim relates to property seized under a warrant to seize property executed against [*full name, address*] on [*date of seizure*].

I, [*name of claimant*] of [*address, occupation*], claim the following interest in respect of—

- *• the seized property:
- *• the value of the seized property:
- *• the proceeds of the sale of the seized property.

*Delete if inapplicable.

[*Describe property including nature (and, if relevant, amount) of interest claimed.*]

The grounds of my claim are: [*state grounds here and continue on a separate page if necessary*].

Date:

Signature:

(Claimant)

Warning

To prevent the sale of the seized property, the claimant must deposit with the Court the amount specified by a Registrar as the estimated value of that property, or provide other satisfactory security.

If not, the seized property may be sold as if no claim had been made. However, the money from the sale will be held until a District Court Judge has considered all claims to the seized property and has decided how the money is to be distributed.

If the claim is for an interest in the property as an owner under a hire purchase agreement or under a bill of sale or otherwise as security

Form 32B—*continued*

for a debt, a District Court Judge may in any case order the sale of the property, and may direct that the proceeds be applied as the Judge sees fit.

Schedule 1 first form 32B: inserted, on 1 March 2008, by regulation 7(2) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).

Schedule 1 first form 32B heading: amended, on 1 December 2009, by regulation 4(3) of the Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361).

Schedule 1 first form 32B: amended, on 1 December 2009, by regulation 4(4)(a) of the Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361).

Schedule 1 first form 32B: amended, on 1 December 2009, by regulation 4(4)(b) of the Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361).

Form 32BA

Notice of motor vehicle seized under warrant

Section 100F(6), Summary Proceedings Act 1957

District Court:

PPN:

To [full name, address] (the defendant/substitute*)

*Select one.

1 *For this paragraph, select the statement that applies.*

Statement A (Select this statement if notice given to defendant.)

You have not paid the fines listed in the attached Schedule.
The total amount you owe is stated below.

Amount unpaid: \$

Enforcement fee: \$

Total: \$

Statement B (Select this statement if notice given to substitute.)

You were served with a written caution on [date] that a motor vehicle owned by you could be seized if [full name, address] (the **defendant**) defaulted, within 4 years after that caution, in

Form 32BA—*continued*

paying another fine for a traffic offence committed while using a motor vehicle belonging to you. This has happened.

The defendant has not paid the fines listed in the attached Schedule. The total amount of overdue fines arising out of the defendant's use of your motor vehicle(s), excluding seizure costs, is \$[*amount*].

- 2 Because of these unpaid fines, a warrant to seize property for unpaid fines has been executed against a motor vehicle/motor vehicles* in which you have an ownership interest or other interest.

*Select one.

- 3 The following motor vehicle/vehicles* belonging to you has/have* been seized under this warrant: [*describe each motor vehicle seized, giving the make and model, year of first registration, and registration number*].

- 4 You must, within 7 days after the date of this notice, notify the Registrar of the District Court at [*place*]—

- (a) whether you own or have an interest in the motor vehicle/vehicles*; and
- (b) of the name and address of any other person who owns or has an interest (including any encumbrance) in the motor vehicle/vehicles*.

*Select one.

Date:

Place:

Signature:

(bailiff/constable*)

*Select one.

Contact number for queries

If you have any queries, phone this court on [*telephone number*].

Form 32BA—*continued*

Warning

If you interfere with, rescue, or attempt to rescue seized property, you could be arrested and prosecuted. You could be imprisoned for up to 3 months or fined up to \$2,000.

Notes to the defendant/substitute*

*Select one.

- 1 Within 7 days after the date on this notice,—
 - (a) the seized motor vehicle/vehicles* will be returned if you pay the total amount stated in paragraph 1 of this form, and the costs of removing and storing the motor vehicle/vehicles*, to the District Court. (The court will tell you the amount of these costs.)

The seized motor vehicle/vehicles* will be returned to the person it was/they were* seized from.

If any seized motor vehicle was seized from an impoundment yard, you will also have to pay the impoundment costs. The motor vehicle will be released at the end of the impoundment period. If these costs are not paid by the date set by the court, the motor vehicle may be sold to recover these costs:

*Select one.
 - (b) if any seized motor vehicle is financed or leased, you must tell the finance company or the leasing company that it has been seized by the court. If you do not do so, and a person with a financial interest in that motor vehicle loses money through its sale, you may have to compensate them for their loss:
 - (c) a person who owns or has an interest in any seized motor vehicle (other than you or a joint owner) can claim that motor vehicle by submitting a written application to this District Court. The claim form is available from the District Court. If the claim is successful, and the motor vehicle has not already been sold, it will be returned.

Form 32BA—*continued*

If the motor vehicle has been sold, the money from the sale will be returned instead.

You can prevent the sale of any seized motor vehicle before a claim is considered by the court by paying the costs for at least 8 days' storage, and any recurring storage costs.

- 2 After those 7 days, the seized motor vehicle/vehicles* will be sold.

*Select one.

- 3 *For this paragraph, select the statement that applies.*

Statement A (select this statement if motor vehicle(s) seized from defendant)

The money received from the sale will be used to pay the fines and the seizure and sale costs, including any motor vehicle impoundment costs. Any remaining money will be paid to you or the motor vehicle owner(s) unless a court decides otherwise.

Statement B (select this paragraph if motor vehicle(s) seized from substitute)

The money received from the sale will be used to pay the fines incurred for traffic offences committed by the defendant in your motor vehicle(s) and the seizure and sale costs and any impoundment costs. Any remaining money will be paid to you or the motor vehicle owner(s) unless a court decides otherwise.

Notes to substitute only

- 1 You can challenge the seizure of a motor vehicle within 7 days after the date on this notice on any of the following grounds:
- (a) at any time when the traffic offences specified in the attached Schedule were committed by the defendant,—
 - (i) you did not own or have an interest in the motor vehicle; or
 - (ii) the motor vehicle was stolen or converted; or
 - (iii) the motor vehicle had been let on hire in accordance with a rental service licence under the Land Transport Act 1998; or

Form 32BA—*continued*

- (b) you took all reasonable steps to prevent the defendant from committing the traffic offence(s); or
 - (c) you had not been served with a written caution that your motor vehicle(s) could be seized and sold to pay the defendant's fines if the defendant defaulted in paying another fine for a traffic offence committed in your motor vehicle(s); or
 - (d) you were a party to an encumbrance such as a hire purchase agreement relating to the motor vehicle and had no other relationship with the defendant.
- 2 If your challenge is successful, the motor vehicle will be returned. The challenge form is available from the District Court.
- 3 If a motor vehicle was seized from an impoundment yard, the impoundment costs will have to be paid. The motor vehicle will be released at the end of the impoundment period. If these costs are not paid by the date set by the court, the motor vehicle may be sold to recover these costs.

Notes to towage provider

You are authorised to tow a seized motor vehicle that appears not to be registered, warranted, or licensed under the Land Transport Act 1998.

Notes to auctioneer

- 1 You are authorised to sell a seized motor vehicle that appears not to be registered, warranted, or licensed under the Land Transport Act 1998.
- 2 You must advise—
- (a) potential purchasers that they will need to register and licence an unregistered motor vehicle before it can be driven on a public road and tell them the fees charged for reregistration and licensing; and
 - (b) the purchaser that an unregistered motor vehicle must be towed. It must not be driven on a public road until it has been registered, warranted, and licensed under the Land Transport Act 1998.

Form 32BA—*continued*

- 3 If the court has deregistered a motor vehicle because it is unroadworthy, you must sell it only as parts or as scrap metal.

Schedule of unpaid fines

CR No	Offence date	Offence details	Fine imposed	Offence type
[specify]	[specify]	[specify]	[specify]	[specify if offence is traffic offence committed in substitute's motor vehicle]

Schedule 1 form 32BA: inserted, on 1 December 2009, by regulation 4(5) of the Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361).

Form 32BB

Warrant to recover motor vehicle from creditor

Section 100X, Summary Proceedings Act 1957

District Court:

PPN:

To every bailiff or constable

- 1 On *[date]*, the District Court at *[place]* released the following motor vehicle to *[full name, address, telephone number(s)]* (the **creditor**):
Make and model:
Year of first registration:
Registration number:
- 2 The court ordered the creditor to sell the motor vehicle to recover money owed by *[full name, address, and date of birth of defendant or substitute]*.
- 3 As at the date of this warrant, the creditor had not sold the motor vehicle.
- 4 Unless the motor vehicle has now been sold, I direct you to recover the motor vehicle from the creditor and to deliver it to the Registrar of the District Court at *[place]* or to a person or place specified by the Registrar.

Date:

Signature:

(Registrar)

Schedule 1 form 32BB: inserted, on 1 December 2009, by regulation 4(5) of the Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361).

32B*[Revoked]*

Schedule 1 second form 32B: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32C*[Revoked]*

Schedule 1 form 32C: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32D*[Revoked]*

Schedule 1 form 32D: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32E*[Revoked]*

Schedule 1 form 32E: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32F*[Revoked]*

Schedule 1 form 32F: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32G*[Revoked]*

Schedule 1 form 32G: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32H*[Revoked]*

Schedule 1 form 32H: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32I*[Revoked]*

Schedule 1 form 32I: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

32J

[Revoked]

Schedule 1 form 32J: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

33

[Revoked]

Schedule 1 form 33: revoked, on 1 November 1987, by regulation 3(2) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 34

Notice of appeal by way of case stated on a
question of law only*Section 107, Summary Proceedings Act 1957*

Number:

Year:

Title of original proceedings: [*specify title*] v [*specify title*]Offence (*or* nature of complaint):

Place where dealt with:

Date of decision:

Sentence (*or* order):

Name and address of appellant:

Name and address of respondent:

1 I, the above-named appellant, hereby give notice that I intend to appeal to the High Court by way of case stated against the above determination as being erroneous in point of law.

2 I have a (no) solicitor acting for me.
(His/her* name and address are: [*name, address*].)

*Select one.

3 I (do not) wish to be granted bail.

Date:

Signature:

(Appellant)

To the Registrar of the District Court at [*place*].

(This notice must be filed in duplicate.)

[*Not printed*]

Form 35
Case stated on appeal from determination of
District Court

Section 107(3), Summary Proceedings Act 1957

In the High Court of New Zealand

[Specify place] District

[Specify place] Registry

In the matter of an appeal from a determination of the District Court
at [place]

Between [full name], informant
(complaint)

and [full name], defendant.

The information (complaint) alleged that [*here set out the charge or
matter of complaint*].

The defendant pleaded not guilty, and after hearing the parties and
the evidence adduced by them, on the [date], I/we* [*here state
nature of decision*].

*Select one.

The defendant/informant/complainant* within 14 days after the de-
termination, filed in the office of the District Court at [place] a notice
of his intention to appeal by way of case stated for the opinion of
this Honourable Court on a question of law only; and I/we* there-
fore state the following case:

It was proved/admitted* upon the hearing that [*here state the facts*].

*Select one.

I/we* determined that [*here state grounds of determination on
which appeal is based*].

*Select one.

The question for the opinion of the Court is whether my/our*
decision was erroneous in point of law.

*Select one.

Form 35—*continued*

Signature(s):

(District Court Judge/Justice(s) of the Peace/Community
Magistrate(s)*)

*Select one.

[*Not printed*]

Form 35 was amended, as from 1 November 1998, by regulation 13(b) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice(s) of the Peace”, the words “*or Community Magistrate(s)*”.

Form 36
Notice of general appeal
Section 116, Summary Proceedings Act 1957

r 2

Number:

Year:

Title of original proceedings: [*specify title*] v [*specify title*]

Offence (*or* nature of complaint):

Place where dealt with:

Date of decision:

Sentence (*or* order):

Name and address of appellant:

Name and address of respondent:

1 I, the above-named appellant, hereby give notice that I intend to appeal to the High Court against my conviction (*or* my sentence, *or* my conviction and sentence, *or* the order made against me, *or* the order made against me and the amount of the order, *or* the amount of the order made against me) on the grounds set out in paragraph 4 below.

2 I have a (no) solicitor acting for me.
(His/her* name and address are: [*name, address*].)

*Select one.

3 I (do not) wish to be granted bail.

4 The grounds of my appeal are: [*specify*]

or

1 I, the above-named appellant, being the informant in the proceedings referred to above, hereby give notice that I intend to appeal to the High Court against the sentence passed on the conviction of the defendant in those proceedings.

2 The Solicitor-General has consented to the bringing of this appeal.

3 The grounds of my appeal are: [*specify*]

or

1 I, the above-named appellant, having been ordered under section 206 of the Summary Proceedings Act 1957 to be commit-

Form 36—*continued*

ted to prison/to pay a fine*, hereby give notice that I intend to appeal to the High Court against the order made against me.

*Select one.

- 2 I have a (no) solicitor acting for me.
(His/her* name and address are: [*name, address*].)

*Select one.

- 3 I (do not) wish to be granted bail.

- 4 The grounds of my appeal are: [*specify*]

or

- 1 I, the above-named appellant, being—

*(a) The applicant for an order under section 138(2)(a) (*or* section 138(2)(b) *or* section 140) of the Criminal Justice Act 1985; *or*

*(b) The informant in proceedings in which an application for an order under section 138(2)(a) (*or* section 138(2)(b) *or* section 140) of the Criminal Justice Act 1985 was made,—

*Delete if inapplicable.

hereby give notice that I intend to appeal to the High Court against the District Court's decision in respect of the application.

- 2 The grounds of my appeal are: [*specify*]

or

- 1 I, the above-named appellant, being the defendant/informant* in the proceedings referred to above, hereby give notice that I intend to appeal to the High Court against—

*(a) the refusal to grant bail to me:

*(b) the granting of bail to the defendant:

*(c) the imposition of the following condition of bail: [*state condition of bail imposed*]:

*(d) the refusal to impose the following condition of bail: [*state condition of bail refused*]:

*(e) the variation (*or* revocation *or* substitution) of the following condition of bail: [*state condition of bail varied or revoked or substituted*]:

Form 36—*continued*

- *(f) the refusal to vary (*or* revoke *or* substitute) the following condition of bail: [*state condition of bail*].

*Delete if inapplicable.

- 2 I have a (no) solicitor acting for me.
(His/her* name and address are: [*name, address*].)

*Select one.

- 3 The grounds of my appeal are: [*specify*]

Date:

Signature:

(Appellant)

To the Registrar of the District Court at [*place*].

(This notice must be filed in duplicate.)

Form 36 was substituted by regulation 2 Summary Proceedings Regulations 1958, Amendment No 20 (SR 1992/70).

37

[Revoked]

Form 37 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice of the Peace”, the words “*or Community Magistrate*”.

Form 37 was revoked, as from 1 January 2001, by regulation 3 Summary Proceedings Amendment Regulations 2000 (SR 2000/249).

Form 38

Notice of abandonment of appeal

Section 129, Summary Proceedings Act 1957

To the Registrar, High Court, *[place]*, and to the respondent.

[Full name], appellant

v

[Full name], respondent

I, *[full name]*, having on *[date]* given to the Registrar of the District Court at *[place]* notice of my intention to appeal to the High Court against *[here state determination appealed against]* hereby give you notice that I do not intend to prosecute the appeal and that I abandon all further proceedings thereon as from this date.

Date:

Signature:

(Appellant)

Witness to signature:

[address]

[occupation]

Form 39

Warrant to arrest defendant who is to be
proceeded against by indictment*Section 150, Summary Proceedings Act 1957*

Number:

Year:

To every constable/[*full name*], constable*

*Select one.

On the [*day, date*] an information was laid that [*full name*] of [*address, occupation*] (hereinafter called the **defendant**), at [*place*] on [*date*] [*here set out alleged offence*].

I direct you to arrest the defendant and bring him before a District Court as soon as possible.

Date:

Signature:

(District Court Judge/Justice of the Peace/Community
Magistrate/Registrar (not being a constable)*)

*Select one.

Schedule 1 form 39: amended, on 29 June 2009, by regulation 11 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 39 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice of the Peace”, the words “*or Community Magistrate*”.

Form 40

Warrant to arrest defendant who does not attend
committal proceedings following summons

Section 151, Summary Proceedings Act 1957

To every constable/[*full name*], constable*

*Select one.

On [*date*] an information was laid that [*full name*], of [*address, occupation*] (the **defendant**), at [*place*] on [*date*], [*set out the alleged offence*].

The defendant, having been served with a summons issued against him/her* under section 150 of the Summary Proceedings Act 1957, did not attend personally today at [*time*] at this Court, being the time and place mentioned in the summons/being the time and place to which the committal proceedings were adjourned*.

*Select one.

I/We* direct you to arrest the defendant and bring him/her* before a District Court as soon as possible.

*Select one.

Date:

Place:

Signature(s):

(District Court Judge/Justices of the Peace/Community
Magistrate(s)*)

*Select one.

Schedule 1 form 40: substituted, on 29 June 2009, by regulation 12(b) of the
Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 41
Depositions of witnesses for purposes of
committal

Sections 162 and 184D, Summary Proceedings Act 1957

In the matter of *[full name]* (defendant), who is charged with the offence(s) set out in the attached information(s)

On *[date]* before the District Court at *[place]*,—

- †(a) the formal written statement(s) of *[full name(s) of witness(es)]* was/were* received in compliance with section 162 of the Summary Proceedings Act 1957; and
- †(b) the oral evidence of *[full name(s) of witness(es)]* was recorded in writing in compliance with section 184D of the Summary Proceedings Act 1957.

*Select one.

†Select the paragraph(s) that apply.

Date:

Place:

Signature(s):

(District Court Judge/Justices of the Peace/Community Magistrate(s)/Registrar*)

*Select one.

Schedule 1 form 41: substituted, on 29 June 2009, by regulation 12(b) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 42

Committal of defendant for trial or sentence

*Sections 160, 177, and 184G, Summary Proceedings Act
1957*

- 1 On [date], [full name, address, occupation], the defendant, appeared before the District Court at [place] charged with the offence(s) set out in the attached information(s) numbered 1 to [last information number].
- 2 *For this paragraph select the statement that applies.*
Statement A (plea of guilty)
The defendant pleaded guilty under section 160 of the Summary Proceedings Act 1957 to the offence(s) set out in the information(s) numbered [information number(s)].
Statement B (standard committal)
The attached written statements numbered 1 to [last statement number] were admitted in evidence under section 162 of the Summary Proceedings Act 1957. Under section 177(2) of the Summary Proceedings Act 1957, the Court did not consider the evidence.
Statement C (committal hearing)
For this statement select from paragraphs (a), (b), and (c) the paragraph(s) that apply.
 - (a) The attached written statements numbered 1 to [last statement number] were admitted in evidence under section 162 of the Summary Proceedings Act 1957 after—
 - (i) the charge(s) were read to the defendant; and
 - (ii) the [number] witnesses whose names are set out in their respective records of evidence gave, on oath in my/our* presence and in the presence of the defendant, the evidence set out in the attached record of evidence (the pages of which are numbered 1 to [last page number]); and
 - (iii) the defendant/the defendant's counsel, [full name],* was given full opportunity to cross-examine each witness, and any cross-examination is included in the record of evidence; and

Form 42—*continued*

- (iv) the evidence of each witness was read over to the witness in the presence of the defendant and each page was then signed by the witness and by me/us*.

*Select one.

- (b) The information(s) numbered [*information number(s)*] having been amended, the amended charge was/charges were* read to the defendant immediately after all the evidence for the informant had been given.

*Select one.

- (c) The statements contained in section 184I(a) and (b) of the Summary Proceedings Act 1957 were then addressed to the defendant, who answered as follows: [*defendant's answer*].

3 *For this paragraph select the statement(s) that apply.*

Statement A

The defendant was then committed to the High Court/District Court* at [*place*] for sentence on the charge(s) set out in the attached information(s) numbered [*information number(s)*].

*Select one.

Statement B

The defendant was then committed to the High Court/District Court* at [*place*] for trial on the charge(s) set out in the attached information(s) numbered [*information number(s)*].

*Select one.

4 *Include this paragraph if the defendant is committed for trial for any offence other than one referred to in section 361B(5) of the Crimes Act 1961.*

Written notice was given to the defendant's counsel or solicitor, or to the defendant if he or she is not represented, of the defendant's right under section 361B of the Crimes Act 1961 to apply for trial before a Judge without a jury.

Form 42—*continued*

Date:

Place:

Signature(s):

(District Court Judge/Justices of the Peace/Community
Magistrate(s)/Registrar*)

*Select one.

Schedule 1 form 42: substituted, on 29 June 2009, by regulation 12(b) of the
Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 42A

Notice of right to be tried by Judge without jury

*Section 184S, Summary Proceedings Act 1957 and section
361B, Crimes Act 1961*

(Front page)

Case number:

To [*full name, address, occupation*] (the **defendant**)

If you wish to be tried before a Judge of the High Court/District Court* without a jury, then under section 361B of the Crimes Act 1961 you may, within 28 days, give written notice to the Registrar of the High Court/District Court* at [*place*] to which you are committed.

*Select one.

Notes

- 1 If you do not give notice within 28 days after you are committed for trial and you wish to be tried before a Judge without a jury, you may still apply for such a trial at any time before the charges are put to a jury at the beginning of a jury trial.
- 2 The Judge will only grant your application for such a trial if—
 - (a) you were not given notice of your right to be tried before a Judge without a jury; or
 - (b) there were good reasons why you did not exercise your right at the proper time; or
 - (c) it is in the interests of justice.
- 3 If you are in doubt about your obligations or rights, consult your solicitor or the Registrar immediately.

Form 42A—*continued*

(Back page)

Statement of service

This notice was served by delivering a copy of it to the defendant personally at the address shown above/[*address if different from that shown above*]* on [*date*].

*Select one.

Date:

Signature:

(officer of the court)

Statement of receipt

I acknowledge receipt of a copy of this notice.

Date:

Signature:

(defendant)

Schedule 1 form 42A: inserted, on 29 June 2009, by regulation 12(b) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 43

Warrant of commitment of defendant committed
for trial or for sentence

*Section 184T(2), Summary Proceedings Act 1957 and
sections 28, 29, and 30(3), Bail Act 2000*

(Front page)

To every constable/[*full name*], constable*
and to the Manager of the prison at [*place*]

*Select one.

[*Full name, address*], the defendant, was today committed to the High Court/District Court* at [*place*] for trial/sentence* under section 177/section 184G* of the Summary Proceedings Act 1957 in relation to a charge/charges* of [*substance of charge(s)*].

I/We* direct you, the constable(s), to deliver the defendant to the prison at [*place*] and you, the Manager, to receive the defendant into your custody and detain him/her*—

†(a) pending his/her* trial.

†(b) pending him/her* being brought up for sentence.

*Select one.

†Select the paragraph that applies.

Date:

Place:

Signature(s):

(District Court Judge/Justices of the Peace/Community
Magistrate(s)*)

*Select one.

Form 43—*continued*

(Back page)

Certificate of grant of bail

I/We* certify that I/we* have granted bail to [*full name*], the defendant, subject to the following conditions:

*Select one.

Date:

Place:

Signature(s):

(District Court Judge/Justices of the Peace/Community Magistrate(s)/Registrar*)

*Select one.

Memorandum for Manager

[*Full name*], the defendant, is to stand his/her* trial at the High Court/District Court* at [*place*] and is required to next attend that court on [*date, time*].

*Select one.

Date:

Signature:

(Registrar, [*place*] District Court)

Schedule 1 form 43: substituted, on 29 June 2009, by regulation 12(b) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 43A
Order for defendant's detention in psychiatric
hospital pending trial
Section 184T(3), Summary Proceedings Act 1957

(Front page)

To every constable/[*full name*], constable*
and to the Superintendent of the [*name*] hospital

*Select one.

[*Full name, address*], the defendant, was today committed to the High Court/District Court* at [*place*] for trial under section 177/section 184G* of the Summary Proceedings Act 1957 in relation to a charge(s) of [*substance of charges*].

I am/We are* satisfied, on the production of a certificate or certificates by 2 medical practitioners, that—

- (a) the defendant is mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992; and
- (b) the defendant's mental condition requires that, in the defendant's own interest, the defendant should be detained in a hospital within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992, instead of in a prison.

I/We* have accordingly made an order for the defendant's detention in a psychiatric hospital pending his/her* trial.

I/We* direct you, the constable(s), to deliver the defendant to the [*name*] hospital, and you, the Superintendent, to receive the defendant into your custody and to detain him/her* pending his/her* trial.

*Select one.

Date:

Place:

Signature(s):

Form 43A—*continued*

(District Court Judge/Justices of the Peace/Community
Magistrate(s)*)

*Select one.

(Back page)

Memorandum for Superintendent

[*Full name*] is to stand his/her* trial at the High Court/District
Court* at [*place*] and is required to next attend that court on [*date*,
time].

*Select one.

Date:

Signature:

(Registrar, [*place*] District Court)

Schedule 1 form 43A: substituted, on 29 June 2009, by regulation 12(b) of the
Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 44

Notice to other party of intention to take oral
evidence of witness after defendant's committal
for trial*Section 184U(5)(b), Summary Proceedings Act 1957*

In the matter of the prosecution of [*defendant's name*] for [*nature of charge(s)*]

To [*full name, address, occupation*]

This document notifies you that an order has been made by a District Court Judge, on my application, that the oral evidence of [*full name, address, occupation*] is to be taken at [*place, date, time*].

*You are required to attend, and you or your counsel or solicitor may cross-examine the witness.

*Include this paragraph if this notice given by defendant.

Date:

Place:

Signature:

(party giving notice)

Schedule 1 form 44: substituted, on 29 June 2009, by regulation 12(b) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 45

Notice to witness to attend court

Section 184V(3), Summary Proceedings Act 1957

CR number:

To *[full name, address, occupation]* (witness)

This document notifies you that—

- 1 In the event of *[full name of defendant]*, the defendant, being committed for trial on a charge/charges* of *[charge(s)]*, you will be required, as a witness, to attend the High Court/District Court* at *[place]* at the time and on the day or days that are notified to you in writing by a constable.

*Select one.

- 2 Once the case has begun, you are required to attend from day to day until the hearing of the case is completed or you are released earlier by the court.

- 3 If you change your address in the meantime, you must notify the Police or the Registrar of the High Court/District Court* of your new address.

*Select one.

- 4 If the defendant is discharged at the conclusion of the committal hearing, this notice will be cancelled and a notice of cancellation will be given to you either by personal delivery or by registered letter addressed to your last-known place of residence.

Date:

Place:

Signature(s):

(District Court Judge/Justices of the Peace/Community Magistrate(s)/Registrar*)

*Select one.

Form 45—*continued***Note**

This notice has the same effect as if it were a summons to a witness issued out of the High Court or District Court, as the case may be. A person who disobeys a witness summons is punishable for contempt of court.

Schedule 1 form 45: substituted, on 29 June 2009, by regulation 12(b) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 45A
Notice to witness of cancellation of notice to
attend court

Section 184V(6), Summary Proceedings Act 1957

CR number:

To *[full name, address, occupation]* (witness)

This document notifies you that—

1 At the conclusion of the committal hearing of a charge/charges* of *[charge(s)]*, *[full name of defendant]*, the defendant, was discharged.

*Select one.

2 The notice requiring you to attend the High Court/District Court* at *[place]* is cancelled.

*Select one.

3 You are no longer required to attend the High Court/District Court* at *[place]* to give evidence on the charge(s) set out above.

*Select one.

Date:

Place:

Signature:

(Registrar)

Schedule 1 form 45A: substituted, on 29 June 2009, by regulation 12(b) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 46

Warrant for arrest of witness about to leave New
Zealand*Section 185(1), Summary Proceedings Act 1957***To** every constable/[*full name*], constable*

*Select one.

[*Full name, address, occupation*], the witness, has been summoned to give evidence in the case of [*full name of defendant*], the defendant, or has been served with a notice to attend the High Court/District Court*.

*Select one.

The defendant was committed to the sittings of the High Court/District Court* at [*place*] starting on [*date*] for trial on a charge/charges* of [*charge(s)*].

*Select one.

I am satisfied on oath that the witness is about to leave New Zealand.
I direct you to arrest the witness and bring him/her* before a District Court Judge as soon as possible.

*Select one.

Date:

Place:

Signature:

(District Court Judge/Justice of the Peace/Community Magistrate*)

*Select one.

Schedule 1 form 46: substituted, on 29 June 2009, by regulation 12(b) of the
Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 47

Warrant of commitment of witness about to
leave New Zealand

Sections 20(4A) and 185(3), Summary Proceedings Act 1957

To every constable/[*full name*], constable*

and to the Manager of the prison at [*place*]

*Select one.

[*Full name, address, occupation*], the witness, was served with a notice to attend the High Court/District Court* or was summoned to give evidence at the trial of [*full name of defendant*] who was committed to the sittings of the High Court/District Court* at [*place*] starting on [*date*] for trial on a charge/charges* of [*charge(s)*].

*Select one.

I am satisfied that the witness is about to leave New Zealand and that the ends of justice would therefore be defeated.

I direct you, the constable(s), to deliver the witness to the prison at [*place*] and you, the Manager, to receive the witness into your custody and to detain him/her* until the trial of [*full name of defendant*] unless he/she* enters into a bond in the sum of \$[*amount*] with sureties in the sum of \$[*amount*] each to secure his/her* attendance at the trial.

*Select one.

Date:

Place:

Signature:

(District Court Judge)

Schedule 1 form 47: substituted, on 29 June 2009, by regulation 12(b) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 48
Bond for keeping the peace
Section 187, Summary Proceedings Act 1957

CR number:

[*Full name*], complainant.

[*Full name*], defendant.

Complaint was made by [*full name of complainant*] against [*full name of defendant*] that [*here set out grounds of complaint*].

On [*date*] an order was made by the District Court at [*place*] that the defendant enter into a bond as follows to keep the peace:

I, [*full name*], of [*address, occupation*], the defendant, bind myself to perform the following obligations, to keep the peace towards the complainant and to refrain from doing the act feared by the complainant/from repeating the conduct complained of/from doing the act threatened* for the space of [*specify time*] from this date.

*Select one.

And I, the defendant, acknowledge myself bound to forfeit to the Crown the sum of \$[*amount*] (and I/we* [*full name(s), address(es) and occupation(s)*], the surety(ies), acknowledge(s) myself/ourselves* bound to forfeit to the Crown the sum of \$[*amount*] (each)) in the event that the defendant fails to perform any of his obligations under this bond.

*Select one.

[*Full name*], defendant.

[*Full name*], surety (*or* sureties).

Taken before me at [*place*] this [*date*].

Form 48 was substituted by regulation 3(1)(h) Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

Form 48 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice of the Peace”, the words “*or* Community Magistrate”.

Form 49
Special constable's oath
[Revoked]

Schedule 1 form 49: revoked, on 1 October 2008, by section 130(3) of the Policing Act 2008 (2008 No 72).

Form 50
Search warrant

Section 198, Summary Proceedings Act 1957

Number:

Year:

To every constable/[*full name*], constable*

*Select one.

I am satisfied on an application in writing made on oath (*or* on an application made on oath orally, the grounds for which I have noted in writing) that there is reasonable ground for believing that there is (are) in [*here describe building, aircraft, ship, carriage, vehicle, box, receptacle, premises, or place*] the following thing(s), [*here insert description of the things to be searched for*] upon or in respect of which an offence of [*state offence, being an offence punishable by imprisonment*] has been or is suspected of having been committed (*or* which there is reasonable ground to believe will be evidence as to the commission of an offence of [*state offence, being an offence punishable by imprisonment*]) (*or* which there is reasonable ground to believe is intended to be used for the purpose of committing an offence of [*state offence, being an offence punishable by imprisonment*]).

This is to authorise you at any time or times within 1 month from the date of this warrant to enter and search the said [*specify*] with such assistants as may be necessary, and if necessary to use force for making entry, whether by breaking open doors or otherwise, and also to break open the box (receptacle) (*or* any box or receptacle therein or thereon) by force if necessary; and also to seize any thing upon or in respect of which the offence has been or is suspected of having been committed (*or* any thing which there is reasonable ground to believe will be evidence as to the commission of the offence) (*or* any thing which there is reasonable ground to believe is intended to be used for the purpose of committing the offence).

Form 50—*continued*

Date:

Signature:

(District Court Judge/Justice of the Peace/Community
Magistrate/Registrar (not being a constable)*)

*Select one.

Form 50 was amended, as from 1 November 1998, by regulation 13(a) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the words “Justice of the Peace”, the words “*or Community Magistrate*”.

Form 51

r 6(1)

Application to take evidence

Sections 31 and 32, Summary Proceedings Act 1957

Number:

Year:

[*Full name*], informant/complainant*[*Full name*], defendant

I, the above-named defendant/informant/complainant* hereby apply to the District Court at [*place*] for an order for the taking of the evidence of (myself and) [*state full name, address, and occupation of any person whose evidence is desired to be taken*] at the District Court at [*place*].

*Select one.

The grounds of my application are:

Date:

Signature:

((Solicitor for) defendant/informant/complainant*)

*Select one.

To the Registrar of the District Court at [*place*].**and to** the above-named informant/complainant/defendant*.

*Select one.

This application is filed by [*full name*], whose address for service is at [*full address*].

Schedule 1 form 51: amended, on 29 June 2009, by regulation 11 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 52

r 8

Order for taking evidence

Sections 31 and 32, Summary Proceedings Act 1957

Number:

Year:

(Title as in Form 51)

It is ordered that the evidence of (the defendant and) *[full name]*, of *[full address]*, on behalf of the defendant/informant/complainant*, whose address for service is at *[full address]*, be taken before the District Court/the Registrar of the District Court at *[place]*/before *[full name]*, District Court Judge* (and it is further ordered that the hearing of these proceedings be adjourned to *[date, time]*).

*Select one.

Date:

Signature:

(Registrar)

To the Registrar of the District Court at *[place]*

Schedule 1 form 52: amended, on 29 June 2009, by regulation 11 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 53

r 10(1)

Notice of time and place for examination

Sections 31, 32, and 182, Summary Proceedings Act 1957

Number:

Year:

(Title as in Form 51)

Take notice that [*day, date, time*], has been appointed as the time and the District Court at [*place*] as the place for the taking of the evidence of (the defendant and) of [*full name*].

Date:

Signature:

(Registrar)

To the above-named informant/complainant*

*Select one.

and to the above-named defendant**and to** the Registrar of the District Court at [*place*]

Schedule 1 form 53: amended, on 29 June 2009, by regulation 11 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 54

Record of oral evidence of witnesses examined
other than at hearing

Sections 31, 32, and 182, Summary Proceedings Act 1957

In the matter of *[full name]* (informant/complainant*), represented
by *[name of counsel]*

And

[Full name] (defendant), represented by *[name of counsel]*, who is
charged with the offence(s) set out in the attached information(s)

*Select one.

The oral evidence of *[full name of witness(es)]*—

- (a) was taken on *[date]* before the examining Court, being the
District Court at *[place]* presided over by *[full name(s)]*
District Court Judge/Justices of the Peace/Community Magis-
trate(s)/Registrar*; and
- (b) is written on *[number]* separate sheets of paper numbered con-
secutively 1 to *[last number]*; and
- (c) was taken in accordance with the Summary Proceedings Regu-
lations 1958 and the Summary Proceedings Act 1957.

*Select one.

Date:

Place:

Signature(s):

(Examining District Court Judge/Justices of the Peace/Community
Magistrate(s)/Registrar*)

*Select one.

Note

Each deposition must—

- (a) start with the words “This deponent on his/her oath says”; and
- (b) be typewritten on separate sheets; and
- (c) be signed on each page by the witness and by the Examining
District Court Judge, Justices of the Peace, Community Magis-
trate(s), or Registrar; and

Form 54—*continued*

- (d) be attached securely to this form.

Schedule 1 form 54: substituted, on 29 June 2009, by regulation 12(c) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Reprinted as at
10 May 2011

Summary Proceedings Regulations 1958

Schedule 1

Form 55
Sequel to Form 54
[Revoked]

reg 13(2)

Schedule 1 form 55: revoked, on 29 June 2009, by regulation 12(c) of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 56

r 14

Certificate of non-appearance

Sections 31, 32, and 182, Summary Proceedings Act 1957

Number:

Year:

(Title as in Form 51)

It is hereby certified that the order to take the evidence of (the defendant) and [full name] was called in Court this day, but the defendant/informant/complainant* failed to appear/to proceed with the examination*.

*Select one.

Date:

Signature(s):

(Examining District Court Judge/Justice(s)/Community Magistrate(s)/Registrar*)

*Select one.

Schedule 1 form 56: amended, on 29 June 2009, by regulation 11 of the Summary Proceedings Amendment Regulations 2009 (SR 2009/131).

Form 56 was amended, as from 1 November 1998, by regulation 13(b) Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292) by inserting, after the word “Justice(s)”, the words “or Community Magistrate(s)”.

Form 57
Application to correct irregularities in
proceedings for
Section 78B, Summary Proceedings Act 1957

CR number:

To the Registrar/District Court Judge*

*Select one.

I

[full name]

[full address]

[date of birth]

[telephone number(s)]

apply for correction of irregularities in the procedure leading up to an order made against me in respect of an infringement offence alleged to have been committed against [specify the enactment and provision applicable] on [date].

I make this application on the following grounds:

- *1 I am not a person to whom the infringement notice was issued or on whom the notice is deemed to have been served.
- *2 I did not in fact receive the reminder notice, or a copy of the notice of hearing, required to have been served on me under section 21 of the Summary Proceedings Act 1957.
- *3 I believed on reasonable grounds that I had requested a hearing under section 21 of the Summary Proceedings Act 1957, but this request was not acted on by the informant.
- *4 I reasonably believed that I had been advised by the informant that action would not be taken under section 21(3) of the Summary Proceedings Act 1957.
- *5 I reasonably believed that I had been advised by the informant that further time for requesting a hearing would be allowed under section 21(6)(b) of the Summary Proceedings Act 1957, but action was taken under section 21(3) of that Act before that further time had expired.
- *6 I—

Form 57—*continued*

- (a) had, in writing, requested further relevant information from the informant in relation to the infringement of fence; and
 - (b) had made the request within a time that would reasonably enable the informant to respond before the earliest time at which the informant would be entitled to take action under section 21(3) of the Summary Proceedings Act 1957; and
 - (c) believed on reasonable grounds that the informant had not refused to provide the requested information and that action would not be taken under section 21(3) of the Summary Proceedings Act 1957 before that information had been provided; and
 - (d) was not provided with the information before action was taken under section 21(3) of the Summary Proceedings Act 1957.
- *7 Some other irregularity occurred in the procedures leading up to the order for the fine or costs, or both.

*Delete if inapplicable.

Statutory declaration in support of application

I [*full name*] of [*full address*], [*occupation*], solemnly and sincerely declare that:

- 1 [*specify particulars of irregularity in support of application*]
- 2 [*specify particulars of the ground on which the application is made and sufficient information to inform the Court of the matters relied on in support of the application*]
- 3 In the event that the Court orders service of a reminder notice on me—
 - *I will accept service by post at [*full address*].
 - *There is no suitable address at which I might accept service by post but I will accept personal service at [*full address*].

*Delete if inapplicable.

And I make this declaration conscientiously believing the same to be true and by virtue of the Oaths and Declarations Act 1957.

Form 57—*continued*

Declared at [*place*] this [*date*]

before me:

Signature:

(Registrar, Justice of the Peace, Solicitor, or other person authorised
to take a statutory declaration)

Forms 57 to 62 were inserted by regulation 3(3) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 57 was substituted, as from 10 October 2006, by regulation 9 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

Form 58

r 15H(1)

Notice of time and place for examination

[Revoked]

Forms 57 to 62 were inserted by regulation 3(3) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Forms 58 and 59 were revoked, as from 1 November 1998, by regulation 15 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Form 59

r 15J

Notice of decision on application for extension
of time to pay fine*[Revoked]*

Forms 57 to 62 were inserted by regulation 3(3) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Forms 58 and 59 were revoked, as from 1 November 1998, by regulation 15 Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Form 60
Superintendent's receipt for a prisoner
Summary Proceedings Act 1957

r 15N

CR number:

I certify that *[full name of prisoner]* was this day delivered by *[name of bailiff or constable]* into my custody in this institution, together with a warrant of commitment issued from the District Court at *[place]*.

Signature:

(Superintendent)

Prison: *[name of prison]*

Forms 57 to 62 were inserted by regulation 3(3) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 60 was amended, as from 30 June 2002, by regulation 7(5) Summary Proceedings Amendment Regulations 2002 (SR 2002/182) by omitting the words “(Corrective Training Institution)”.

The heading to form 60 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “MANAGER’S” for the word “SUPERINTENDENT’S”. See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 60 was amended, as from 1 June 2005 by section 207 Corrections Act 2004 (2004 No 50) by substituting the word “Manager” for the word “Superintendent” wherever it appears. See clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).

Form 61
Application

r 15P(1)

Summary Proceedings Act 1957

(General form)

CR number:

To the Registrar of the District Court at [*place*]**I**, [*full name*] of [*full address*]apply for [*here state order or other action sought*].The application is made under [*here state enactment and provision authorising order or other action sought*] and relates to [*here describe proceedings to which application relates, giving CR number if known*].The grounds for this application are [*here state grounds for application*].

Date:

Signature:

(Applicant)

Forms 57 to 62 were inserted by regulation 3(3) Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Form 62
Notice of hearing of application
Summary Proceedings Act 1957

r 15P(2)

CR number:

To *[full name]*
of *[address]*

Take notice

- (a) that an application by *[state name of applicant]* relating to *[describe proceedings]* was received at this Court on *[date]*. A copy of the application is attached to this notice:
- (b) that the *[date, time]*, has been appointed as the time and the District Court at *[place]* as the place for the hearing of the application.

Date:

Signature:

(Registrar)

Forms 57 to 62 were inserted by regulation 3(3) Summary Proceedings Regulations 1958, Amendment No 16 (SR|1987/311).

Schedule 2

Court fees

	(\$)
(1) Filing any information or any notice of prosecution	30
(2) Filing any copy of a reminder notice in respect of an infringement offence	30
(2A) Providing particulars of a reminder notice in respect of an infringement offence where the reminder notice is deemed to have been filed in a Court under section 21(4C) of the Act	30
(3) Hearing any information or charge	100
(4) Copy of proceedings or judgment (other than a copy supplied to a party to the proceedings)—	
(a) not exceeding 5 pages	15
(b) exceeding 5 pages but not exceeding 50 pages	30
(c) exceeding 50 pages but not exceeding 75 pages	40
(d) exceeding 75 pages	50
(5) Certified copy of entry in criminal records	30
(6) Application for removal of disqualification or for partial exemption from disqualification under the Land Transport Act 1998	150
(7) For faxing documents at the request of a party (except where documents have to be faxed for operational reasons), \$2.00 plus, per page faxed, \$1.00	
(8) For enforcement of a fine, in accordance with regulation 15K	100

Note—

- (1) Where under an enactment several offences are charged in 1 information (not being offences charged in the alternative), the fees to be taken are to be assessed as if a separate information had been laid in respect of each offence charged.
- (2) The fees prescribed by these regulations are not to be taken in proceedings under the Family Proceedings Act 1980, or in proceedings by way of complaint or in proceedings under Part 5 of the Summary Proceedings Act 1957.

Schedule 2 was substituted by regulation 3(1) Summary Proceedings Regulations 1958, Amendment No 9 (SR 1978/195), and substituted again by regulation 3 Summary Proceedings Regulations 1958, Amendment No 19 (SR 1991/189), and was amended by regulation 3 Summary Proceedings Regulations 1958, Amendment No 20 (SR 1992/141) by substituting the expression “70” for the expression “60” in item (3), by substituting item (4), and by inserting item (7).

Schedule 2 was substituted, as from 1 January 1998, by regulation 4 Summary Proceedings Amendment Regulations 1997 (SR 1997/322).

Item 2 was amended, as from 1 July 1998, by regulation 2 Summary Proceedings Amendment Regulations (No 2) 1998 (SR 1998/133), by substituting “30” for “25”.

Item 2A was inserted, as from 1 March 2007, by regulation 9 Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).

Schedule 2 item 6: amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Item 6 was amended, as from 1 July 1998, by regulation 2 Summary Proceedings Amendment Regulations (No 2) 1998 (SR 1998/133), by substituting “150” for “140”.

Item 8 was inserted, as from 10 October 2006, by regulation 10 Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

3

[Revoked]

Schedule 3 was revoked by regulation 2(1) Summary Proceedings Regulations 1958, Amendment No 8 (SR 1977/93).

[Revoked]

Schedule 4

r 16

Regulations and orders revoked

Justices of the Peace Act Fees Order 1952 (SR 1952/201)

Justices of the Peace Regulations 1956 (SR 1956/164)

Summary Penalties Regulations 1940 (SR 1940/89)

Traffic Offences Order 1957 (SR 1957/88)

T J Sherrard,
Clerk of the Executive Council.

*Certified for the purposes of section 7 of the Regulations Act 1936,
this 28 day of March 1980.*

J K McLay,
Attorney-General.

Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 20 March 1958.

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Notes**1 General**

This is an eprint of the Summary Proceedings Regulations 1958. The eprint incorporates all the amendments to the regulations as at 10 May 2011. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint
(most recent first)**

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Summary Proceedings Amendment Regulations (No 2) 2009 (SR 2009/361)

Summary Proceedings Amendment Regulations 2009 (SR 2009/131)

Policing Act 2008 (2008 No 72): section 130(3)

Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385)

Summary Proceedings Amendment Regulations 2007 (SR 2007/294)
