

Version  
as at 1 October 2024



## Summary Proceedings Regulations 1958 (SR 1958/38)

Cobham, Governor-General

### Order in Council

At the Government Buildings at Wellington this 17th day of March 1958

Present:

The Hon C F Skinner, MC, presiding in Council

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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These regulations are administered by the Ministry of Justice.**

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**Regulations**

**1**

- (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,—

**Act** means the Summary Proceedings Act 1957

**declaration of financial capacity** means, in relation to a person, a declaration containing the information described in regulation 15G.

Expressions defined in the Act have the meanings so defined.

Regulation 2 heading: inserted, on 1 July 1996, by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154).

Regulation 2 **court of hearing**: revoked, on 1 July 2013, by regulation 4 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Regulation 2 **declaration of financial capacity**: inserted, on 13 February 2012, by regulation 4(2) of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Regulation 2 **deposition**: revoked, on 1 July 2013, by regulation 4 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Regulation 2 **domestic violence**: revoked, on 1 July 2013, by regulation 9(2) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

Regulation 2 **domestic violence offence**: revoked, on 1 July 2013, by regulation 9(2) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

Regulation 2 **examining court**: revoked, on 1 July 2013, by regulation 4 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Regulation 2 **examining Registrar**: revoked, on 1 July 2013, by regulation 4 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Regulation 2 **fine**: revoked, on 13 February 2012, by regulation 4(1) of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Regulation 2 **harassment offence**: revoked, on 1 July 2013, by regulation 9(2) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

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**: revoked, on 1 July 2013, by regulation 4 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Regulation 2 **protection order**: revoked, on 1 July 2013, by regulation 9(2) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

Regulation 2 **relevant court**: revoked, on 1 July 2013, by regulation 9(2) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

Regulation 2 **restraining order**: revoked, on 1 July 2013, by regulation 9(2) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

### 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: replaced, on 30 June 2002, by regulation 3 of the 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) *[Revoked]*

Regulation 4 heading: inserted, on 1 January 1998, by regulation 2 of the Summary Proceedings Amendment Regulations 1997 (SR 1997/322).

Regulation 4(1A): inserted, on 1 January 1998, by regulation 2 of the Summary Proceedings Amendment Regulations 1997 (SR 1997/322).

Regulation 4(1B): inserted, on 1 March 2007, by regulation 4 of the Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).

Regulation 4(2): revoked, on 1 July 2013, by regulation 5 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**4A Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Regulation 4A: inserted, on 1 July 2024, by regulation 4 of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

**5 Application of regulations 6 to 14B**

*[Revoked]*

Regulation 5: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

*Procedure for taking evidence under section 31, 32, and 174 of the Act*

*[Revoked]*

Heading: revoked, on 1 July 2013, pursuant to regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**6**

*[Revoked]*

Regulation 6: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**7**

*[Revoked]*

Regulation 7: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**8**

*[Revoked]*

Regulation 8: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**9**

*[Revoked]*

Regulation 9: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**10**

*[Revoked]*

Regulation 10: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**11 Summons to witnesses**

*[Revoked]*

Regulation 11: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**12**

*[Revoked]*

Regulation 12: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**13 Signature and disposal of depositions**

*[Revoked]*

Regulation 13: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**14 Non-appearance of person on whose behalf examination held**

*[Revoked]*

Regulation 14: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

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

*[Revoked]*

Regulation 14A: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

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

*[Revoked]*

Regulation 14B: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**15 Safe custody of property where operation of restitution order suspended**

*[Revoked]*

Regulation 15: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

*Order for detention in psychiatric hospital pending trial*

Heading: revoked, on 1 July 2013, pursuant to regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**15A Order for detention in psychiatric hospital pending trial**

*[Revoked]*

Regulation 15A: revoked, on 1 July 2013, by regulation 6 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

*Infringement offences*

Heading: replaced, on 1 July 2013, by regulation 7 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**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 or, in the case of a reminder notice served electronically in accordance with section 24(1)(e) of the Act, the electronic 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.
- Regulation 15B: replaced, on 1 March 2007, by regulation 5 of the Summary Proceedings Amendment Regulations 2006 (SR 2006/265).
- Regulation 15B(2)(c): amended, on 1 August 2012, by regulation 4 of the Summary Proceedings Amendment Regulations 2012 (SR 2012/134).

### **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: inserted, on 1 March 2007, by regulation 5 of the 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 \$55.
- (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 \$33.
- Regulation 15C: replaced, on 1 November 1998, by regulation 3 of the Summary Proceedings Amendment Regulations (No 5) 1998 (SR 1998/329).
- Regulation 15C(1): amended on 1 October 2024, by regulation 5(1) of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).
- Regulation 15C(1): amended, on 1 March 2007, by regulation 6 of the Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).
- Regulation 15C(2): amended, on 1 July 2024, by regulation 5(2) of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

### **15D Court fee relating to infringement offences payable by local authorities, etc**

Notwithstanding the provisions of section 207(3) of the Act, the court fee prescribed in Schedule 2 for 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 other organisation that, under section 73 of the Public Finance Act 1989, is entitled to payment of a proportion of fines recovered.

Regulation 15D heading: amended, on 1 July 2013, by regulation 8(1) of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Regulation 15D: replaced, on 1 November 1987, by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15D: amended, on 1 July 2013, by regulation 8(2) of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Regulation 15D: amended, on 1 August 2012, by regulation 5 of the Summary Proceedings Amendment Regulations 2012 (SR 2012/134).

Regulation 15D: amended, on 1 March 2007, by regulation 7 of the Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396).

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

*[Revoked]*

Regulation 15E: revoked, on 1 August 2012, by regulation 6 of the Summary Proceedings Amendment Regulations 2012 (SR 2012/134).

### *Enforcement of penalties*

Heading: inserted, on 1 July 2013, by regulation 9 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## **15F Registrar or bailiff may require declaration of financial capacity**

- (1) The Registrar may, before entering into an arrangement with a defendant or a representative of the defendant under section 86 of the Act, require from that person a declaration of financial capacity.
- (2) A bailiff may, before entering into an arrangement with a defendant or a representative of the defendant under section 86C of the Act, require from that person a declaration of financial capacity.

Regulation 15F: replaced, on 13 February 2012, by regulation 5 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

## **15G Declaration of financial capacity**

A declaration of financial capacity must contain information about all of the person's sources of income, assets, liabilities, and outgoings, including, without limitation,—

- (a) salary and wages:
- (b) benefits and pensions:
- (c) commissions:
- (d) interest and dividends:
- (e) income from rental property:
- (f) ownership of real estate:

- (g) vehicle ownership:
- (h) ownership of other property:
- (i) income and realisable assets that the person does not currently have but which it is anticipated that the person will receive during the 12 months following the date of giving the declaration:
- (j) debts:
- (k) essential outgoings of the person and his or her dependants.

Regulation 15G: replaced, on 13 February 2012, by regulation 5 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

### **15H Default in payment of sum adjudged to be paid on conviction**

*[Revoked]*

Regulation 15H: revoked, on 1 November 1998, by regulation 8 of the Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

### **15I Criteria for determining whether to enter, vary, suspend, or cancel arrangement extending time to pay or for payment by instalments**

- (1) This regulation applies if—
  - (a) a Registrar is deciding whether to enter into an arrangement under section 86 of the Act; or
  - (b) a Registrar is deciding whether to vary, suspend, or cancel an arrangement under section 86A of the Act; or
  - (c) a bailiff is deciding whether to enter into an arrangement under section 86C of the Act; or
  - (d) a bailiff is making a determination under section 86D of the Act.
- (2) If this regulation applies, the Registrar or bailiff (as the case may require)—
  - (a) must, for the purposes of assessing the financial position of the defendant or, if the case requires, the defendant's representative, consider any information provided in a declaration of financial capacity given by that person; and
  - (b) may have regard to any other circumstances relating to the financial position of the defendant or the defendant's representative that the Registrar or bailiff considers relevant.

Regulation 15I: replaced, on 13 February 2012, by regulation 6 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

### **15J Notice of decision on application for extension of time**

*[Revoked]*

Regulation 15J: revoked, on 1 November 1998, by regulation 10 of the 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, if a defendant defaults in the payment of a fine and as a consequence a warrant is issued, an attachment order is made, a sentence is imposed, a statutory land charge is registered, or a deduction notice is issued under any of sections 83(1B) and (2), 87(2) and (2A), and 88AE(1) of the Act, or a sale order is made under section 88AE(1)(ab) of the Act,—
  - (a) the fee specified in Schedule 2 is payable by the defendant in respect of the enforcement of the fine; but
  - (b) no more than 1 amount is payable under this subclause in respect of the enforcement of the same fine.
- (2) A court, District Court Judge, Community Magistrate, Registrar, or the chief executive, 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 or Community Magistrate directing the issue of a warrant of commitment or imposing a sentence pursuant to section 83(2) or section 88AE(1) of the Act is satisfied that the defendant does not have the means to pay the fine, the court or Judge or Community Magistrate shall waive the payment of the fee under subclause (1) of this regulation 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 seizing, removing, transporting, or storing the property, or selling, assigning, applying, auctioning, or otherwise disposing of or releasing the property.

Regulation 15K: inserted, on 1 November 1987, by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Regulation 15K heading: replaced, on 1 November 1998, by regulation 11 of the Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Regulation 15K(1): replaced, on 13 February 2012, by regulation 7(1) of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Regulation 15K(1): amended, on 14 November 2018, by section 90 of the Courts Matters Act 2018 (2018 No 50).

Regulation 15K(2): amended, on 14 November 2018, by section 90 of the Courts Matters Act 2018 (2018 No 50).

Regulation 15K(2): amended, on 1 November 1998, by regulation 11(2) of the Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Regulation 15K(3): amended, on 13 February 2012, by regulation 7(2) of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Regulation 15K(3): amended, on 1 November 1998, by regulation 11(3) of the Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Regulation 15K(4): amended, on 13 February 2012, by regulation 7(3) of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

**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 88AE(1) of the Act, the Registrar must immediately ensure that an order recording the sentence is served personally on the defendant.

Regulation 15L: replaced, on 30 June 2002, by regulation 4 of the Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

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

Regulation 15L: amended, on 13 February 2012, by regulation 8 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Regulation 15L: amended, on 1 October 2007, by regulation 4(2) 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 constable or a bailiff under a warrant.
- (2) The constable 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 a charging document 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).

Regulation 15M: replaced, on 10 October 2006, by regulation 8 of the Summary Proceedings Amendment Regulations 2006 (SR 2006/265).

Regulation 15M(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 15M(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Regulation 15M(3): amended, on 1 July 2013, by regulation 10 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**15N Manager's receipt for prisoner**

*[Revoked]*

Regulation 15N: revoked, on 1 July 2013, by regulation 11 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

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

*[Revoked]*

Regulation 15O: revoked, on 13 February 2012, by regulation 9 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

**15P General form of applications**

*[Revoked]*

Regulation 15P: revoked, on 1 July 2013, by regulation 11 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

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

*[Revoked]*

Regulation 15Q: revoked, on 1 July 2013, by regulation 9(3) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

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

*[Revoked]*

Regulation 15R: revoked, on 1 July 2013, by regulation 9(3) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

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

*[Revoked]*

Regulation 15S: revoked, on 1 July 2013, by regulation 9(3) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

**15T Information about criminal proceedings in domestic violence proceedings**

*[Revoked]*

Regulation 15T: revoked, on 1 July 2013, by regulation 9(3) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

**15U Information about criminal proceedings in harassment proceedings**

*[Revoked]*

Regulation 15U: revoked, on 1 July 2013, by regulation 9(3) of the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177).

**16 Revocations**

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

## Schedule 1AA

### Transitional, savings, and related provisions

r 4A

Schedule 1AA: inserted, on 1 July 2024, by regulation 6 of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

### Part 1

#### Provisions relating to Summary Proceedings (Costs and Fees— Budget Measures) Amendment Regulations 2024

Schedule 1AA Part 1: inserted, on 1 July 2024, by regulation 6 of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

#### 1 Costs payable by defendant in respect of infringement offence

*Costs under order under section 21(5) or (5A) of Act*

- (1) The amount in regulation 15C(1) as amended on 1 October 2024 applies only for an order deemed to have been made—
- (a) under section 21(5) or (5A) of the Act; and
  - (b) on or after 1 October 2024.

*Costs under section 21(9) of Act*

- (2) The amount in regulation 15C(2) as amended on 1 July 2024 applies only for an order made—
- (a) by the court under section 21(9) of the Act; and
  - (b) on or after 1 July 2024.

Schedule 1AA clause 1: inserted, on 1 July 2024, by regulation 6 of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

#### 2 Court fees

*Filing fee for providing particulars of reminder notice*

- (1) The fee in item (1) of Schedule 2 as amended on 1 October 2024 applies only for providing particulars of a reminder notice that is deemed to have been filed in a court—
- (a) under section 21(4C) of the Act; and
  - (b) on or after 1 October 2024.

*Fee for enforcement of fine*

- (2) The fee in item (2) of Schedule 2 as amended on 1 July 2024 applies only for enforcement—
- (a) of a fine, in accordance with regulation 15K; and
  - (b) commenced on or after 1 July 2024.

Schedule 1AA clause 2: inserted, on 1 July 2024, by regulation 6 of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

## Schedule 1 Forms

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Form 3  
Summons to defendant

*[Revoked]*

Schedule 1 form 3: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 4  
Warrant to arrest in summary proceedings (where offence punishable by imprisonment)

*[Revoked]*

Schedule 1 form 4: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 5  
Warrant to arrest in summary proceedings (where issued by a District Court Judge)

*[Revoked]*

Schedule 1 form 5: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 5A  
Police summons to defendant

*[Revoked]*

Schedule 1 form 5A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

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

*[Revoked]*

Schedule 1 form 5B: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 6  
Summons to witness

*[Revoked]*

Schedule 1 form 6: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 6A  
Summons to non-party to appear and produce information

*[Revoked]*

Schedule 1 form 6A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 7

## Warrant for attendance of a witness

*[Revoked]*

Schedule 1 form 7: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 7A

## Warrant of commitment of witness

*[Revoked]*

Schedule 1 form 7A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 8

## Warrant where witness fails to appear

*[Revoked]*

Schedule 1 form 8: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 9

## Warrant of commitment for a witness refusing to give evidence

*[Revoked]*

Schedule 1 form 9: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 9A

## Notice of prosecution for minor offence

*[Revoked]*

Schedule 1 form 9A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 10

Reminder notice in respect of infringement offence

r 3

*Section 21(2), (2AA), and (3C)(b), Summary Proceedings Act 1957*

**(Front page)**

***Reminder notice in respect of infringement offence***

Reminder notice No:

CR No:

**Informant**

Name:

Address:

**Details of person to whom infringement notice issued**

Full name: *[first name(s), family name]*

Full address:

Date of birth:

Gender:

Occupation:

Telephone number(s):

**Details of alleged infringement offence**

The informant shown above alleges that you committed an infringement offence:

On: *[date and time of offence]*

At: *[place]*

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]*

**Service details**

*(To be provided for filing in court.)*

Infringement notice served by personal service/by prepaid post/electronically (if permitted)\* on: *[date]*

Reminder notice served by personal service/by prepaid post/electronically (if permitted)\* on: *[date]*

At: *[address]*

\*Select one.

**Infringement fee**

The infringement fee for this offence is: \$[*amount*]

Amount of infringement fee unpaid: \$[*amount*]

Other fees [*specify (if any)*]: \$[*amount*]

**Total payable: \$[*amount*]**

Other penalties [*specify (if any)*]:

**Procedure for payment of infringement fee**

[*Specify method(s) of payment.*]

You must pay the infringement fee within 28 days after the service of this notice. The last day for payment is [*date*].

**Information**

If you wish to deny the alleged offence or wish to have a court consider submissions, follow the directions in paragraph 4 of the notes below.

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 4(b) and (c) 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 in respect of the infringement.

Please read the notes below. If there is anything you do not understand in the notes, you should consult a lawyer.

***(Back page)***

***Notes to defendant*****Payment**

- 1 If you pay the infringement fee or the amount of the infringement fee remaining unpaid within 28 days after the service of this notice, no further enforcement action will be taken against you.

**Defences**

- 2 You will have a complete defence against proceedings relating to the alleged offence if you can show the infringement fee or the amount of the infringement fee remaining unpaid has been paid to the informant and received at the address shown on the front page of this notice within 28 days after the service of this notice.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

### Further action

- 4 You must write to the informant if you wish to do any of the following things:
- (a) raise a matter concerning the circumstances of the alleged offence for consideration by the informant; or
  - (b) deny liability for the alleged offence and request a court hearing; or
  - (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise. In your letter, you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the informant will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

### Next steps

If you do not request a hearing and you do not pay the infringement fee or the amount of the infringement fee remaining unpaid within 28 days after the service of this notice, you will become liable to pay a fine and court costs.

**Note:** All payments, queries, and correspondence regarding this reminder notice must be directed to the informant at the address shown on the front of this notice. When writing, please include the date of the alleged infringement offence, the reminder notice number, and your address for replies.

Schedule 1 form 10: replaced, on 1 August 2012, by regulation 7(1) of the Summary Proceedings Amendment Regulations 2012 (SR 2012/134).

## Form 10A

## Notice of hearing in respect of infringement offence

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

CR No:

**Informant**

Name:

Address:

**Defendant**

Name:

Address:

Date of birth:

Sex:

Occupation:

Driver's licence No:

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 [*specify*] 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*] at [*time*].

**\*The defendant should attend that court at that time.**

\*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 may result in the case being dealt with in your absence.



- 2 If the offence is proved, you may 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.

Schedule 1 form 10A: replaced, on 1 November 1987, by regulation 3(1) of the Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311).

Schedule 1 form 10A: amended, on 1 July 2013, by regulation 12(1) of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Schedule 1 form 10A: amended, on 1 July 2013, by regulation 12(2) of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 11

## Warrant of commitment on adjournment

*[Revoked]*

Schedule 1 form 11: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 12

## Bail bond for the attendance of the defendant

*[Revoked]*

Schedule 1 form 12: revoked, on 1 August 1987, by regulation 2(3) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

## Form 12A

## Bail bond for the attendance of a witness

*[Revoked]*

Schedule 1 form 12A: revoked, on 1 August 1987, by regulation 2(3) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

## Form 13

## Bail bond for the attendance of the appellant

*[Revoked]*

Schedule 1 form 13: revoked, on 1 August 1987, by regulation 2(3) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

## Form 14

## Bail bond for the attendance of a defendant committed for trial or sentence

*[Revoked]*

Schedule 1 form 14: revoked, on 1 August 1987, by regulation 2(3) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

## Form 15

## Notice of bond

*[Revoked]*

Schedule 1 form 15: revoked, on 4 June 1974, by regulation 3(1)(d) of the Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136).

## Form 16

## Warrant of deliverance on grant of bail

*[Revoked]*

Schedule 1 form 16: revoked, on 1 January 2001, by regulation 3 of the Summary Proceedings Amendment Regulations 2000 (SR 2000/249).

Form 17

Warrant of arrest of defendant or appellant for absconding

*[Revoked]*

Schedule 1 form 17: revoked, on 1 August 1987, by regulation 2(5) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

Form 18

Warrant to arrest defendant or appellant for failure to report

*[Revoked]*

Schedule 1 form 18: revoked, on 1 August 1987, by regulation 2(5) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

Form 19

Warrant to arrest defendant who does not attend personally

*[Revoked]*

Schedule 1 form 19: revoked, on 1 August 1987, by regulation 2(5) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

Form 20

Order to estreat bond

*[Revoked]*

Schedule 1 form 20: revoked, on 1 August 1987, by regulation 2(5) of the Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211).

Form 21

Warrant to arrest defendant who does not appear

*[Revoked]*

Schedule 1 form 21: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 21A

Warrant to arrest defendant who does not attend personally

*[Revoked]*

Schedule 1 form 21A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 22

Criminal records

*[Revoked]*

Schedule 1 form 22: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 23

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

*[Revoked]*

Schedule 1 form 23: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings  
Amendment Regulations 2011 (SR 2011/398).

Form 24

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

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

Warrant No:

PPN:

**To** every bailiff or constable  
and

**To** the manager of [*specify prison*]

The defendant, [*defendant's full name*] of [*address, occupation*], was convicted of  
[*specify*] 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*].

**You**, the bailiff or constable, are directed to arrest the defendant and deliver the  
defendant to the manager 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 defend-  
ant for a period of [*specify*] 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

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

**Form 25****Warrant to seize property for unpaid fine***[Revoked]*

Schedule 1 form 25: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

**Form 26****Attachment order for unpaid fines***[Revoked]*

Schedule 1 form 26: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

**Form 27****Warrant to arrest defendant for unpaid fine***[Revoked]*

Schedule 1 form 27: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 28

Warrant of commitment for unpaid fine

*Section 88AE(1)(b), Summary Proceedings Act 1957*

Warrant No:

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]*.

\*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]*.

\*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]*.

\*Delete if 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]* or until notified by a Registrar that the total amount stated below has been paid.

Amount unpaid: \$

Enforcement fee(s): \$

**Total: \$**

Date:

Signature:

District Court Judge

***Schedule of unpaid fines***

| <b>CR</b>   | <b>Offence date</b> | <b>Offence details</b> | <b>Fine imposed</b> |
|---|---------------------|------------------------|---------------------|
| <i>[specify]</i>  | <i>[specify]</i>    | <i>[specify]</i>       | <i>[specify]</i>    |
| Schedule 1 form 28: replaced, on 1 March 2008, by regulation 7(1) of the Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385).   |                     |                        |                     |
| Schedule 1 form 28 heading: amended, on 13 February 2012, by regulation 11 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398). |                     |                        |                     |



Form 28A

Order for sentence of home detention for unpaid fine

*[Revoked]*

Schedule 1 form 28A: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 28B

Order for sentence of community detention for unpaid fine

*[Revoked]*

Schedule 1 form 28B: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 29

Order for sentence of community service where default in payment of fine

*[Revoked]*

Schedule 1 form 29: revoked, on 30 June 2002, by regulation 7(2) of the Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

Form 30

Order for sentence of community work for unpaid fine

*[Revoked]*

Schedule 1 form 30: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 31

Warrant of commitment for corrective training where default in payment of  
fine

*[Revoked]*

Schedule 1 form 31: revoked, on 30 June 2002, by regulation 7(4) of the Summary Proceedings Amendment Regulations 2002 (SR 2002/182).

## Form 31A

Order for return of defendant if conditions of section 88AE(1) order not  
complied with*Section 88AG(1), 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 before 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 *or*

Community Magistrate

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

Schedule 1 form 31A heading: amended, on 13 February 2012, by regulation 12(1) of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Schedule 1 form 31A heading: amended, on 13 February 2012, by regulation 12(2) of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 32

Notice of property other than motor vehicle seized under warrant

*[Revoked]*

Schedule 1 form 32: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 32A

Summons to hearing of claim for seized property

*[Revoked]*

Schedule 1 form 32A: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

## Form 32AA

## Warrant to arrest defendant to determine defendant's financial circumstances

*Section 106EA(1), Summary Proceedings Act 1957*

Warrant No:

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

***Schedule of unpaid fines***

| <b>CRN</b>         | <b>Offence date</b> | <b>Offence details</b> | <b>Fine imposed</b> |
|--------------------|---------------------|------------------------|---------------------|
| [ <i>specify</i> ] | [ <i>specify</i> ]  | [ <i>specify</i> ]     | [ <i>specify</i> ]  |

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

Schedule 1 form 32AA heading: amended, on 13 February 2012, by regulation 13 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 32B  
Claim to seized property

*[Revoked]*

Schedule 1 form 32B: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 32BA  
Notice of motor vehicle seized under warrant

*[Revoked]*

Schedule 1 form 32BA: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 32BB  
Warrant to recover motor vehicle from creditor

*[Revoked]*

Schedule 1 form 32BB: revoked, on 13 February 2012, by regulation 14 of the Summary Proceedings Amendment Regulations 2011 (SR 2011/398).

Form 32C  
Warrant for seizure of a motor vehicle

*[Revoked]*

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

Form 32D  
Application for review of Registrar's decision

*[Revoked]*

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

Form 32E  
Warrant of commitment for non-payment

*[Revoked]*

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

Form 32F  
Summons to defendant liable to corrective training, periodic detention, or  
community service

*[Revoked]*

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

**Form 32G****Warrant to arrest defendant liable to be sentenced for non-payment of fine***[Revoked]*

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

**Form 32H****Order for periodic detention***[Revoked]*

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

**Form 32I****Order for community service***[Revoked]*

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

**Form 32J****Warrant of commitment for corrective training (for non-payment of fine)***[Revoked]*

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

**Form 33****Warrant of commitment for refusing to obey order other than for payment of money***[Revoked]*

Schedule 1 form 33: revoked, on 1 November 1987, by regulation 3(2) of the 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***[Revoked]*

Schedule 1 form 34: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**Form 35****Case stated on appeal from determination of District Court***[Revoked]*

Schedule 1 form 35: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 36

Notice of general appeal

*[Revoked]*

Schedule 1 form 36: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 37

Warrant for arrest and committal of bailed appellant where he surrenders or  
where surety applies to be discharged

*[Revoked]*

Schedule 1 form 37: revoked, on 1 January 2001, by regulation 3 of the Summary Proceedings Amendment Regulations 2000 (SR 2000/249).

Form 38

Notice of abandonment of appeal

*[Revoked]*

Schedule 1 form 38: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 39

Warrant to arrest defendant who is to be proceeded against by indictment

*[Revoked]*

Schedule 1 form 39: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 40

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

*[Revoked]*

Schedule 1 form 40: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 41

Depositions of witnesses for purposes of committal

*[Revoked]*

Schedule 1 form 41: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 42

Committal of defendant for trial or sentence

*[Revoked]*

Schedule 1 form 42: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 42A

## Notice of right to be tried by Judge without jury

*[Revoked]*

Schedule 1 form 42A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 43

## Warrant of commitment of defendant committed for trial or for sentence

*[Revoked]*

Schedule 1 form 43: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 43A

## Order for defendant's detention in psychiatric hospital pending trial

*[Revoked]*

Schedule 1 form 43A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 44

Notice to other party of intention to take oral evidence of witness after  
defendant's committal for trial*[Revoked]*

Schedule 1 form 44: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 45

## Notice to witness to attend court

*[Revoked]*

Schedule 1 form 45: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 45A

## Notice to witness of cancellation of notice to attend court

*[Revoked]*

Schedule 1 form 45A: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 46

## Warrant for arrest of witness about to leave New Zealand

*[Revoked]*

Schedule 1 form 46: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).



Form 47

Warrant of commitment of witness about to leave New Zealand

*[Revoked]*

Schedule 1 form 47: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 48

Bond for keeping the peace

*[Revoked]*

Schedule 1 form 48: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

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*

No: *[specify]/[year]*

To every constable

(or To *[full name]*, constable)

**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).

Dated at: *[place, date]*

Signature:

District Court Judge

(or Justice of the Peace

or Community Magistrate

or Registrar (not being a constable))

Schedule 1 form 50: amended, on 1 November 1998, by regulation 13(a) of the Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

Schedule 1 form 50: amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Form 51  
Application to take evidence  
*[Revoked]*

r 6(1)

Schedule 1 form 51: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 52  
Order for taking evidence  
*[Revoked]*

r 8

Schedule 1 form 52: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 53  
Notice of time and place for examination  
*[Revoked]*

r 10(1)

Schedule 1 form 53: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 54  
Record of oral evidence of witnesses examined other than at hearing  
*[Revoked]*

Schedule 1 form 54: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Form 55  
Sequel to form 54  
*[Revoked]*

r 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  
Certificate of non-appearance  
*[Revoked]*

r 14

Schedule 1 form 56: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 57

## Application to correct irregularities in proceedings for infringement offence

*[Revoked]*

Schedule 1 form 57: revoked, on 1 August 2012, by regulation 7(2) of the Summary Proceedings Amendment Regulations 2012 (SR 2012/134).

## Form 58

## Notice of time and place for examination

*[Revoked]*

r 15H(1)

Schedule 1 form 58: revoked, on 1 November 1998, by regulation 15 of the Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

## Form 59

## Notice of decision on application for extension of time to pay fine

*[Revoked]*

r 15J

Schedule 1 form 59: revoked, on 1 November 1998, by regulation 15 of the Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292).

## Form 60

## Manager's receipt for a prisoner

*[Revoked]*

r 15N

Schedule 1 form 60: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 61

## Application (General form)

*[Revoked]*

r 15P(1)

Schedule 1 form 61: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

## Form 62

## Notice of hearing of application

*[Revoked]*

r 15P(2)

Schedule 1 form 62: revoked, on 1 July 2013, by regulation 13 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

**Schedule 2**  
**Court fees**

rr 4, 15D, 15K

Schedule 2: replaced, on 1 July 2013, by regulation 14 of the Summary Proceedings Amendment Regulations 2013 (SR 2013/183).

Schedule 2 heading: replaced, on 1 July 2024, by regulation 7(1) of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

|     |  | (\$) |
|-----|--|------|
| (1) | 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 | 55   |
| (2) | For enforcement of a fine, in accordance with regulation 15K   | 133  |

Schedule 2 item 1: amended, on 1 October 2024, by regulation 7(2) of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

Schedule 2 item 2: amended, on 1 July 2024, by regulation 7(3) of the Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118).

**Schedule 3**  
**Traffic offences for the purposes of section 21 of the Summary Proceedings Act 1957**

*[Revoked]*

Schedule 3: revoked, on 1 May 1977, by regulation 2(1) of the Summary Proceedings Regulations 1958, Amendment No 8 (SR 1977/93).

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## **Schedule 4**

### **Regulations and orders revoked**

r 16

**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.

Issued under the authority of the Legislation Act 2019.  
Date of notification in the *Gazette*: 20 March 1958.

## Notes

### **1     *General***

This is a consolidation of the Summary Proceedings Regulations 1958 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2     *Legal status***

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3     *Editorial and format changes***

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4     *Amendments incorporated in this consolidation***

Summary Proceedings (Costs and Fees—Budget Measures) Amendment Regulations 2024 (SL 2024/118)

Courts Matters Act 2018 (2018 No 50): section 90

Summary Proceedings Amendment Regulations 2013 (SR 2013/183)

Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (SR 2013/177): regulation 9

Summary Proceedings Amendment Regulations 2012 (SR 2012/134)

Summary Proceedings Amendment Regulations 2011 (SR 2011/398)

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Summary Proceedings Amendment Regulations 2009 (SR 2009/131)

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(3)

Summary Proceedings Amendment Regulations (No 2) 2007 (SR 2007/385)

Summary Proceedings Amendment Regulations 2007 (SR 2007/294)

Summary Proceedings Amendment Regulations (No 2) 2006 (SR 2006/396)

Summary Proceedings Amendment Regulations 2006 (SR 2006/265)

Summary Proceedings Amendment Regulations 2002 (SR 2002/182)

Summary Proceedings Amendment Regulations 2000 (SR 2000/249)

Summary Proceedings Amendment Regulations (No 5) 1998 (SR 1998/329)

Summary Proceedings Amendment Regulations (No 4) 1998 (SR 1998/292)

Summary Proceedings Amendment Regulations 1997 (SR 1997/322)

Summary Proceedings Regulations 1958, Amendment No 26 (SR 1996/154)  
Summary Proceedings Regulations 1958, Amendment No 18 (SR 1989/12)  
Summary Proceedings Regulations 1958, Amendment No 16 (SR 1987/311)  
Summary Proceedings Regulations 1958, Amendment No 15 (SR 1987/211)  
Summary Proceedings Regulations 1958, Amendment No 13 (SR 1985/231)  
District Courts Amendment Act 1979 (1979 No 125): section 18(2)  
Judicature Amendment Act 1979 (1979 No 124): section 12  
Summary Proceedings Regulations 1958, Amendment No 8 (SR 1977/93)  
Summary Proceedings Regulations 1958, Amendment No 7 (SR 1974/136)  
Summary Proceedings Regulations 1958, Amendment No 3 (SR 1965/116)