

Summary Proceedings Amendment Regulations (No 2) 2006

Preamble

At Wellington this 18th day of December 2006

Pursuant to section 212 of the Summary Proceedings Act 1957, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Schedule

3

New forms substituted in Schedule 1

1 Title

These regulations are the Summary Proceedings Amendment Regulations (No 2) 2006.

2 Commencement

These regulations come into force on 1 March 2007.

3 Principal regulations amended

These regulations amend the Summary Proceedings Regulations 1958.

4 Fees, allowances, and expenses

Regulation 4 is amended by inserting the following subclause after subclause (1A):

- “(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.”

5 New regulation 15BA inserted

The following regulation is inserted after regulation 15B:

“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.”

6 Costs payable by defendant in respect of infringement offence

Regulation 15C(1) is amended by omitting “deemed by section 21(5) of the Act to have been made, or is taken under section 21(5A) as having been made,” and substituting “deemed to have been made under section 21(5) or (5A) of the Act”.

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

Regulation 15D is amended 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”.

8 New forms substituted in Schedule 1

Schedule 1 is amended by revoking forms 23 and 25 and substituting the forms 23 and 25 set out in the Schedule of these regulations.

9 Schedule 2 amended

Schedule 2 is amended by inserting the following item after item 2:

(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
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Schedule
New forms substituted in Schedule 1

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Form 23
Warrant to seize property where order for immediate payment of fine has not been complied with

Form 23—*continued*

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:	\$ [<i>amount</i>]
Enforcement fee:	\$ [<i>amount</i>]
Total:	\$ [<i>amount</i>]

		Date
Registrar		

Form 25

Warrant to seize property for unpaid fine

*Sections 87(1)(a), 88(3)(a), and 93, 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
 ordered to pay the fine (or fines) specified in the Schedule to this warrant.

The amount remains (or amounts remain) unpaid.

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 showing this warrant to any person who appears to be in
 charge of the premises occupied 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: \$ [*amount*]

Enforcement fee: \$ [*amount*]

Total: \$ [*amount*]

..... Date

Registrar

Schedule of unpaid fines

CR No	Offence	Date	Offence details	Fine (\$)
[<i>specify</i>]	[<i>specify</i>]	[<i>specify</i>]	[<i>specify</i>]	[<i>specify</i>]

Rebecca Kitteridge,
 for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 March 2007, make changes to the Summary Proceedings Regulations 1958 needed to implement the introduction of electronic provision, by enforcement agencies to the Ministry of Justice, of information about unpaid infringement fees.

Minor amendments are also made to the 2 prescribed forms for warrants to seize, to reflect amendments in the Summary Proceedings Amendment Act 2006 relating to the delivery and storage of seized property and the electronic transmission of these warrants.

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