

Version  
as at 16 August 2022



## **Criminal Procedure (Transfer of Information) Regulations 2013**

(SR 2013/177)

Regulation name: amended, on 1 January 2015, by regulation 4(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 387 of the Criminal Procedure Act 2011, 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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#### **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 Title

These regulations are the Criminal Procedure (Transfer of Information) Regulations 2013.

Regulation 1: amended, on 1 January 2015, by regulation 4(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

### 2 Commencement

These regulations come into force on 1 July 2013.

### 3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

**Act** means the Criminal Procedure Act 2011

**associated respondent**, in relation to a family violence proceeding, has the meaning given to it by section 8 of the Family Violence Act 2018

**case management system** means the common electronic database used by the courts for data storage and records management

**CoCA** means the Care of Children Act 2004

**CoCA proceeding** means a proceeding in the Family Court, District Court (for example, the District Court exercising jurisdiction under section 15 of the Fam-

ily Court Act 1980), or High Court in respect of any of the following applications:

- (a) an application for a guardianship order under section 19 or 27 of the CoCA:
- (b) an application for a direction under section 46R of the CoCA in relation to a guardianship dispute:
- (c) an application for a parenting order under section 48 of the CoCA (whether an interim parenting order or a final parenting order):
- (d) an application for a variation of a parenting order, under section 56 of the CoCA

**court file** means a collection of documents that relate to a criminal proceeding and are in the custody or control of the court

**database**, in relation to a criminal proceeding, means any electronic system in or on which information about the criminal proceeding is recorded

**family violence** has the same meaning as in section 9 of the Family Violence Act 2018

**family violence offence** means an offence against any enactment (other than the Family Violence Act 2018) 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 family violence

**family violence proceeding** means a proceeding in the Family Court under the Family Violence Act 2018 in which an application for a protection order—

- (a) is pending; or
- (b) has been granted

**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

**non-contact order** has the meaning given to it by section 4 of the Victims' Orders Against Violent Offenders Act 2014

**protection order** has the same meaning as in section 8 of the Family Violence Act 2018 (as that section is read in light of both—

- (a) clause 3 of Schedule 1 of that Act; and
- (b) section 133(3) of the Domestic Violence Act 1995)

**relevant court**,—

- (a) in relation to an offence against section 112 of the Family Violence Act 2018 or a family violence offence, means the court that made a protection order against the person convicted of the offence, and includes the 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 that made a restraining order against the person convicted of the offence, and includes the court in which an application for a restraining order against the offender is pending
- (c) in relation to an offence against section 24 of the Victims' Orders Against Violent Offenders Act 2014, means the court that made a non-contact order or direction against the person convicted of the offence

**respondent**, in relation to a family violence proceeding, means a person against whom a protection order is sought or has been made, and includes an associated respondent

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

**specified violent offence** has the same meaning as in section 4 of the Victims' Orders Against Violent Offenders Act 2014.

- (2) Any term that is defined in the Act and used, but not defined, in these regulations has the same meaning as in the Act.
- (3) A reference in these regulations to an offence against section 112 of the Family Violence Act 2018 includes, without limitation, a reference to an offence against section 49 of the Domestic Violence Act 1995.

Regulation 3(1) **associated respondent**: inserted, on 1 September 2015, by regulation 4 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 3(1) **associated respondent**: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **case management system**: inserted, on 1 January 2015, by regulation 5(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

Regulation 3(1) **CoCA**: inserted, on 1 July 2019, by regulation 4(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 3(1) **CoCA proceeding**: inserted, on 1 July 2019, by regulation 4(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 3(1) **court file**: inserted, on 1 September 2015, by regulation 4 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 3(1) **court file**: amended, on 1 July 2019, by regulation 4(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 3(1) **database**: inserted, on 1 September 2015, by regulation 4 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 3(1) **domestic violence**: revoked, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **domestic violence offence**: revoked, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **domestic violence proceeding**: revoked, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **family violence**: inserted, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **family violence offence**: inserted, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **family violence proceeding**: inserted, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **non-contact order**: inserted, on 1 January 2015, by regulation 5(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

Regulation 3(1) **protection order**: replaced, on 1 July 2019 (immediately after being amended by section 259(2) of the Family Violence Act 2018), by regulation 4(3) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 3(1) **relevant court** paragraph (a): amended, on 1 July 2019, by regulation 4(4) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 3(1) **relevant court** paragraph (a): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 3(1) **relevant court** paragraph (b): amended, on 1 July 2019, by regulation 4(4) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 3(1) **relevant court** paragraph (c): inserted, on 1 January 2015, by regulation 5(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

Regulation 3(1) **respondent**: inserted, on 1 September 2015, by regulation 4 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 3(1) **respondent**: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Section 3(1) **specified violent offence**: inserted, on 16 August 2022, by section 28 of the Three Strikes Legislation Repeal Act 2022 (2022 No 40).

Section 3(1) **violent offence**: revoked, on 16 August 2022, by section 28 of the Three Strikes Legislation Repeal Act 2022 (2022 No 40).

Regulation 3(3): inserted, on 1 July 2019, by regulation 4(5) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

**4 Transmission of entry in permanent court record relating to breach of protection order (or related property order), restraining order, or non-contact order**

- (1) If a defendant is convicted of an offence against section 112 of the Family Violence Act 2018, the Registrar of the court in which that conviction is entered must, without delay, forward a certified copy of the entry in the permanent court record relating to that conviction to the Registrar of the relevant court.
- (2) If 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 permanent court record relating to that conviction to the Registrar of the relevant court.
- (2A) If a defendant is convicted of an offence against section 24 of the Victims' Orders Against Violent Offenders Act 2014, the Registrar of the court in which that conviction is entered must, without delay, forward a certified copy of the entry in the permanent court record relating to that conviction to the relevant court.
- (3) On receiving a copy forwarded under subclause (1), (2), or (2A), the Registrar of the relevant court must cause the copy to be placed on the file relating to the applicable proceedings.

Compare: SR 1958/38 r 15Q

Regulation 4 heading: amended, on 1 July 2019, by regulation 5 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 4 heading: amended, on 1 January 2015, by regulation 6(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

Regulation 4(1): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 4(2A): inserted, on 1 January 2015, by regulation 6(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

Regulation 4(3): amended, on 1 January 2015, by regulation 6(3) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

**5 Transmission of entry in permanent court record relating to family violence offences or harassment offences**

- (1) If a defendant is convicted of a family violence offence or of an harassment offence, a judicial officer 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 permanent court record relating to that conviction to the Registrar of the relevant court.
- (2) If a defendant is convicted of an offence and the Registrar of the court in which that conviction is entered has reason to believe that the offence is a family violence offence or an harassment offence, the Registrar must, without delay, forward a certified copy of the entry in the permanent court record relating to that conviction to the Registrar of the relevant court.

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

Compare: SR 1958/38 r 15R

Regulation 5 heading: replaced, on 1 September 2015, by regulation 5 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 5 heading: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 5(1): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 5(2): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

## **6 Result of appeal to be notified to relevant court**

- (1) Subclause (2) applies if,—
- (a) under regulation 4 or 5, a certified copy of an entry in the permanent court record relating to a conviction for an offence is forwarded to a relevant court; and
  - (b) on any appeal,—
    - (i) that conviction is set aside; or
    - (ii) the sentence imposed in relation to that offence is varied; and
  - (c) in accordance with section 184 of the Act, the Registrar makes, in the entry in the permanent court record relating to that conviction, a note of the decision on appeal.
- (2) The Registrar must, without delay, forward a copy of the note of the decision on appeal to the Registrar of the relevant court.
- (3) If a copy of a note relating to a conviction is forwarded to the relevant court under subclause (2), the Registrar of that court must,—
- (a) if the conviction has been set aside, remove from the file relating to the applicable proceedings 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.

Compare: SR 1958/38 r 15S

## **6A Information about party's offending available to court dealing with CoCA proceeding**

- (1) In this regulation,—
- family relationship** has the meaning given to it by section 12 of the Family Violence Act 2018
- violence** has the meaning given to it by section 9(2) of the Family Violence Act 2018.

- (2) This regulation applies if a party to a CoCA proceeding—
- (a) is a defendant in a criminal proceeding in which he or she is charged with—
    - (i) an offence against section 112 of the Family Violence Act 2018; or
    - (ii) an offence that—
      - (A) involves the use of violence; and
      - (B) is committed against a person with whom the party is, or has been, in a family relationship; or
  - (b) has been a defendant in a criminal proceeding in which he or she was convicted of—
    - (i) an offence against section 112 of the Family Violence Act 2018; or
    - (ii) an offence that—
      - (A) involved the use of violence; and
      - (B) was committed against a person with whom the party was, or had been, in a family relationship.
- (3) A Registrar of the court that is dealing with a CoCA proceeding may obtain information about the criminal proceeding referred to in subclause (2) from—
- (a) the court file relating to that proceeding;
  - (b) any database relating to that proceeding;
  - (c) the permanent court record relating to that proceeding.
- (4) A Registrar of the court that is dealing with a CoCA proceeding and who has obtained information under subclause (3) must make that information available to the court.

Regulation 6A: inserted, on 1 July 2019, by regulation 6 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

## **6B Criminal record available to court dealing with CoCA proceeding**

- (1) A Registrar of the court that is dealing with a CoCA proceeding may obtain details of a party's criminal record (if any) from—
- (a) the court file relating to any criminal proceeding;
  - (b) a database relating to any criminal proceeding;
  - (c) the permanent court record relating to any criminal proceeding.
- (2) A Registrar of the court that is dealing with a CoCA proceeding and who has obtained information under subclause (1) must make that information available to the court.
- (3) In this regulation, **criminal record**, in relation to a party, means a record of any of the following:

- (a) charges laid against the party that have resulted in a conviction:
- (b) convictions entered against the party:
- (c) sentences imposed on the party:
- (d) orders imposed on the party as a result of a conviction.

Regulation 6B: inserted, on 1 July 2019, by regulation 6 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

**6C Address information available to court for purpose of serving document in CoCA proceeding**

- (1) This regulation applies if, in a CoCA proceeding, a document that has been issued for service is not able to be served on a party because the party's current address is not known.
- (2) A Registrar of the court that is dealing with the CoCA proceeding may obtain from any court file details of the party's current address.
- (3) If a Registrar obtains, under subclause (2), details of the party's current address, that information may be used only for the purpose of arranging for the party to be served with the document.

Regulation 6C: inserted, on 1 July 2019, by regulation 6 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

**7 Information about respondent's offending available to court dealing with family violence proceeding**

- (1) In this regulation,—  
**family relationship** has the meaning given to it by section 12 of the Family Violence Act 2018  
**violence** has the meaning given to it by section 9(2) of the Family Violence Act 2018.
- (2) This regulation applies if a respondent to a family violence proceeding—
  - (a) is a defendant in a criminal proceeding in which he or she is charged with—
    - (i) an offence against section 112 of the Family Violence Act 2018; or
    - (ii) an offence that—
      - (A) involves the use of violence; and
      - (B) is committed against a person with whom the respondent is, or has been, in a family relationship; or
  - (b) has been a defendant in a criminal proceeding in which he or she was convicted of—
    - (i) an offence against section 112 of the Family Violence Act 2018; or

- (ii) an offence that—
    - (A) involved the use of violence; and
    - (B) was committed against a person with whom the respondent was, or had been, in a family relationship.
- (3) A Registrar of the court that is dealing with a family violence proceeding may obtain information about the criminal proceeding referred to in subclause (2) from—
  - (a) the court file relating to that proceeding;
  - (b) any database relating to that proceeding;
  - (c) the permanent court record relating to that proceeding.
- (4) A Registrar of the court that is dealing with a family violence proceeding and who has obtained information under subclause (3) must make that information available to the court.

Regulation 7: replaced, on 1 September 2015, by regulation 6 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 7 heading: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(1) **domestic relationship**: revoked, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(1) **family relationship**: inserted, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(1) **violence**: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(2): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(2)(a)(i): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(2)(a)(ii)(B): amended, on 1 July 2019, by regulation 7(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 7(2)(b)(i): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(2)(b)(ii)(B): amended, on 1 July 2019, by regulation 7(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 7(3): amended, on 1 July 2019, by regulation 7(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 7(3): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7(4): amended, on 1 July 2019, by regulation 7(2) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 7(4): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

**7A Criminal record available to court dealing with family violence proceeding**

- (1) A Registrar of the court that is dealing with a family violence proceeding may obtain details of a respondent's criminal record (if any) from—
  - (a) the court file relating to any criminal proceeding;
  - (b) a database relating to any criminal proceeding;
  - (c) the permanent court record relating to any criminal proceeding.
- (2) A Registrar of the court that is dealing with a family violence proceeding and who has obtained information under subclause (1) must make that information available to the court.
- (3) In this regulation, **criminal record**, in relation to a respondent, means a record of any of the following:
  - (a) charges laid against the respondent that have resulted in a conviction;
  - (b) convictions entered against the respondent;
  - (c) sentences imposed on the respondent;
  - (d) orders imposed on the respondent as a result of a conviction.

Regulation 7A: inserted, on 1 September 2015, by regulation 7 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 7A heading: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7A(1): amended, on 1 July 2019, by regulation 8 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 7A(1): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7A(1)(a): amended, on 1 July 2019, by regulation 8 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 7A(2): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7A(2): amended, on 1 July 2019, by regulation 8 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

**7B Address information available to court for purpose of serving document in family violence proceeding**

- (1) This regulation applies if, in a family violence proceeding, a document that has been issued for service is not able to be served on a respondent because the respondent's current address is not known.
- (2) A Registrar of the court that is dealing with the family violence proceeding may obtain from any court file details of the respondent's current address.
- (3) If a Registrar obtains, under subclause (2), details of the respondent's current address, that information may be used only for the purpose of arranging for the respondent to be served with the document.

Regulation 7B: inserted, on 1 September 2015, by regulation 7 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154).

Regulation 7B heading: amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7B(1): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

Regulation 7B(2): amended, on 1 July 2019, by section 259(2) of the Family Violence Act 2018 (2018 No 46).

## **8 Information about criminal proceedings in harassment proceedings**

- (1) In this regulation, **harassment proceedings** means an application for a restraining order that is pending before the District Court or that the District Court has determined by making a restraining order.
- (2) This regulation applies if the office of the court in which harassment proceedings have been filed, or the Registrar of that office, has reason to believe that the respondent or associated respondent to the harassment proceedings is charged with, or has at any time been convicted of,—
  - (a) an harassment offence; or
  - (b) an offence against section 25 of the Harassment Act 1997.
- (3) If this regulation applies, the Registrar of the office of the court may—
  - (a) consult the Registrar of the office 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)(b) includes, where applicable and without limitation,—
  - (a) the conditions on which bail has been granted to the respondent or associated respondent;
  - (b) a copy of the entry in the permanent court record relating to the conviction.
- (5) A Registrar to whom a request is made under subclause (3)(b) must, without delay, provide to the requesting Registrar as much of the information requested as the requested Registrar has available to him or her.

Compare: SR 1958/38 r 15U

Regulation 8(1): amended, on 1 July 2019, by regulation 9(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 8(2): amended, on 1 July 2019, by regulation 9(2)(a) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 8(2): amended, on 1 July 2019, by regulation 9(2)(b) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 8(3): amended, on 1 July 2019, by regulation 9(3) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 8(3)(a): amended, on 1 July 2019, by regulation 9(3) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

## **8A Information about criminal proceedings in VOAVOA proceedings**

- (1) In this regulation, **VOAVOA proceedings** means an application for a non-contact order that has been presented for filing at, or made to, the District Court under section 7 of the Victims' Orders Against Violent Offenders Act 2014.
- (2) This regulation applies if the office of the court in which VOAVOA proceedings have been presented for filing or filed, or the Registrar of that office, requires information in order to be satisfied that the person against whom the non-contact order is sought is a violent offender within the meaning of section 5 of the Victims' Orders Against Violent Offenders Act 2014.
- (3) If this regulation applies, the Registrar of the office of the court may—
  - (a) access and search the case management system for details of the person's specified violent offence conviction and the sentence imposed in connection with that conviction; and
  - (b) extract from the case management system the entry or entries in the permanent court record that relate to the conviction and to the sentence and make a certified copy of any entry; and
  - (c) extract from the case management system details of the victim of the specified violent offence.

Regulation 8A: inserted, on 1 January 2015, by regulation 7 of the Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345).

Regulation 8A(1): amended, on 1 July 2019, by regulation 10(1) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 8A(2): amended, on 1 July 2019, by regulation 10(2)(a) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 8A(2): amended, on 1 July 2019, by regulation 10(2)(b) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Regulation 8A(3): amended, on 1 July 2019, by regulation 10(3) of the Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92).

Section 8A(3)(a): amended, on 16 August 2022, by section 29 of the Three Strikes Legislation Repeal Act 2022 (2022 No 40).

Section 8A(3)(c): amended, on 16 August 2022, by section 29 of the Three Strikes Legislation Repeal Act 2022 (2022 No 40).

## **9 Amendments to Summary Proceedings Regulations 1958**

- (1) This regulation amends the Summary Proceedings Regulations 1958.
- (2) In regulation 2, revoke the definitions of **domestic violence**, **domestic violence offence**, **harassment offence**, **protection order**, **relevant court**, and **restraining order**.
- (3) Revoke regulations 15Q to 15U.

Rebecca Kitteridge,  
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.  
Date of notification in *Gazette*: 23 May 2013.

## Notes

### **1     *General***

This is a consolidation of the Criminal Procedure (Transfer of Information) Regulations 2013 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***

Three Strikes Legislation Repeal Act 2022 (2022 No 40): sections 28–29

Criminal Procedure (Transfer of Information) Amendment Regulations 2019 (LI 2019/92)

Family Violence Act 2018 (2018 No 46): section 259(2)

Criminal Procedure (Transfer of Information) Amendment Regulations 2015 (LI 2015/154)

Criminal Procedure (Transfer of Information) Amendment Regulations 2014 (LI 2014/345)