



## **Criminal Procedure (Transfer of Information) Amendment Regulations 2014**

Jerry Mateparae, Governor-General

### **Order in Council**

At Wellington this 17th day of November 2014

Present:

The Right Hon John Key presiding in Council

Pursuant to section 387(1)(h) 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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## Regulations

- 1 Title**  
These regulations are the Criminal Procedure (Transfer of Information) Amendment Regulations 2014.
- 2 Commencement**  
These regulations come into force on 1 January 2015.
- 3 Principal regulations**  
These regulations amend the regulations that were previously called the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (the **principal regulations**).
- 4 Name of principal regulations changed**
  - (1) As from the commencement of this regulation,—
    - (a) the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 are called the Criminal Procedure (Transfer of Information) Regulations 2013;
    - (b) every reference in any enactment and in any document to the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 must, unless the context otherwise requires, be read as a reference to the Criminal Procedure (Transfer of Information) Regulations 2013.
  - (2) In regulation 1, replace “(Domestic Violence and Harassment Information)” with “(Transfer of Information)”.
- 5 Regulation 3 amended (Interpretation)**
  - (1) In regulation 3(1), definition of **relevant court**, after paragraph (b), insert:
    - “(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”.

- (2) In regulation 3(1), insert in their appropriate alphabetical order:

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

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

“**violent offence** has the meaning given to serious violent offence by section 86A of the Sentencing Act 2002”.

**6 Regulation 4 amended (Transmission of entry in permanent court record relating to breach of protection order or restraining order)**

- (1) In the heading to regulation 4, replace “**protection order or restraining order**” with “**protection order, restraining order, or non-contact order**”.

- (2) After regulation 4(2), insert:

“(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) In regulation 4(3), replace “subclause (1) or (2)” with “subclause (1), (2), or (2A)”.

**7 New regulation 8A inserted (Information about criminal proceedings in VOAVOA proceedings)**

After regulation 8, insert:

**“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, a District Court under section 7 of the Victims’ Orders Against Violent Offenders Act 2014.

- “(2) This regulation applies if the court in which VOAVOA proceedings have been presented for filing or filed, or the Registrar of that court, 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 court may—
- “(a) access and search the case management system for details of the person’s 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 violent offence.”

Michael Webster,  
Clerk of the Executive Council.

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### **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 January 2015, amend the regulations that were previously called the Criminal Procedure (Domestic Violence and Harassment Information) Regulations 2013 (the **principal regulations**).

The regulations provide for the transfer of information about certain offences from courts that exercise criminal jurisdiction to District Courts for the purposes of proceedings under the Victims’ Orders Against Violent Offenders Act 2014. The regulations also amend the title of the principal regulations and insert new definitions in the principal regulations.

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Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 20 November 2014.  
These regulations are administered by the Ministry of Justice.

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