



## Criminal Procedure Amendment Rules 2026

Cindy Kiro, Governor-General

### Order in Council

At Wellington this 23rd day of February 2026

Present:

Her Excellency the Governor-General in Council

These rules are made under section 148 of the Senior Courts Act 2016 and section 228(1) of the District Court Act 2016—

- (a) on the advice and with the consent of the Executive Council; and
- (b) with the concurrence of the Right Honourable Chief Justice, the Chief District Court Judge, and at least 2 other members of the Rules Committee continued under section 155 of the Senior Courts Act 2016 (of whom at least 1 was a Judge of the High Court and at least 1 was a District Court Judge).

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## Rules

### 1 Title

These rules are the Criminal Procedure Amendment Rules 2026.

### 2 Commencement

These rules come into force on 1 April 2026.

### 3 Principal rules

These rules amend the Criminal Procedure Rules 2012.

### 4 New subpart 2A of Part 4 inserted

After rule 4.4, insert:

#### Subpart 2A—Publication of identity of defendant or complainant in specified sexual cases

##### 4.4A Application by complainant in specified sexual cases to permit publication of defendant's identity

- (1) This rule applies in respect of a complainant who may apply to the court under section 201(4)(a) of the Act for an order permitting the publication of the identity of a person accused or convicted of an offence against section 130 or 131 of the Crimes Act 1961 (the **defendant**).
- (2) As soon as is reasonably practicable after a plea has been entered by the defendant, the prosecutor must inform the complainant that—
  - (a) the name, address, and occupation of the defendant may not be published without a court order (a **defendant identity publication order**); and
  - (b) the complainant may, if they wish, apply to the court for a defendant identity publication order.
- (3) If the complainant wishes to apply for a defendant identity publication order, the complainant may,—
  - (a) during any hearing of the proceeding, make an oral application to the presiding Judge; or
  - (b) at any time, file in the court—
    - (i) a notice of application in the form approved by the chief executive; and
    - (ii) a supporting affidavit.
- (4) On receiving an application made under subclause (3)(a), the presiding Judge may direct that the application be made in writing and filed in accordance with subclause (3)(b).

- (5) An application and supporting affidavit filed in accordance with subclause (3)(b) must be served by a Registrar on the prosecutor who prosecuted the offence referred to in subclause (1).
- (6) Notice that an application has been made under subclause (3) must be served by a Registrar on the defendant, together with any other information that a Judge considers appropriate for service on the defendant.
- (7) The prosecutor and defendant may make written submissions in relation to the application and may be heard orally if a Judge directs.
- (8) After considering the application and any submissions received from the prosecutor or defendant, a Judge must—
  - (a) determine the application on the papers; or
  - (b) direct that the application be set down for hearing.

#### **4.4B Application by complainant in specified sexual cases to permit publication of their identity**

- (1) This rule applies in respect of a complainant who may apply to the court under section 203(4)(a) of the Act for an order permitting the publication of their identity.
- (2) As soon as is reasonably practicable after a plea has been entered by the person accused of the offence that is referred to in section 203(1) of the Act, the prosecutor must inform the complainant that—
  - (a) their name, address, and occupation may not be published without a court order (a **complainant identity publication order**); and
  - (b) they may, if they wish, apply to the court for a complainant identity publication order.
- (3) If the complainant wishes to apply for a complainant identity publication order, the complainant may,—
  - (a) during any hearing of the proceeding, make an oral application to the presiding Judge; or
  - (b) at any time, file in the court—
    - (i) a notice of application in the form approved by the chief executive; and
    - (ii) a supporting affidavit.
- (4) On receiving an application made under subclause (3)(a), the presiding Judge may direct that the application be made in writing and filed in accordance with subclause (3)(b).
- (5) An application and supporting affidavit filed in accordance with subclause (3)(b) must be served by a Registrar on the prosecutor who prosecuted the offence referred to in subclause (2).

- (6) Notice that an application has been made under subclause (3) must be served by a Registrar on the person who is charged with, or convicted of, the offence (the **defendant**) together with any other information that a Judge considers appropriate for service on the defendant.
- (7) The prosecutor and the defendant may make written submissions in relation to the application and may be heard orally if a Judge directs.
- (8) After considering the application and any submissions received from the prosecutor and defendant, a Judge must—
  - (a) determine the application on the papers; or
  - (b) direct that the application be set down for hearing.

Rachel Hayward,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the rules but is intended to indicate their general effect.*

These rules, which come into force on 1 April 2026, amend the Criminal Procedure Rules 2012 (the **principal rules**). Pursuant to section 386 of the Criminal Procedure Act 2011, these rules are made under section 148 of the Senior Courts Act 2016 and section 228(1) of the District Court Act 2016.

These rules insert *new subpart 2A* into Part 4 of the principal rules. *New subpart 2A* comprises—

- *new rule 4.4A*, which sets out the process for complainants, in the case of an offence against section 130 or 131 of the Crimes Act 1961, to apply under section 201 of the Criminal Procedure Act 2011 for a court order lifting the automatic suppression of the identity of the defendant and permitting the publication of the defendant's name, address, and occupation; and
- *new rule 4.4B*, which sets out the process for complainants whose identity is automatically suppressed under section 203 of the Criminal Procedure Act 2011 to apply for a court order permitting the publication of their name, address, and occupation.

### Regulatory impact statement

The Ministry of Justice produced a regulatory impact statement on 24 March 2023 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.justice.govt.nz/justice-sector-policy/regulatory-stewardship/regulatory-impact-assessments>
- <https://www.regulation.govt.nz/our-work/regulatory-impact-statements/>

Issued under the authority of the Legislation Act 2019.

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These rules are administered by the Ministry of Justice.