

Version
as at 25 March 2022



Corrections Amendment Regulations 2022 (SL 2022/23)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 21st day of February 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 85(2), 200, and 202 of the Corrections Act 2004—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the advice of the Minister of Corrections who, in accordance with section 85(3) of the Act, is satisfied that—
 - (i) the use of pepper spray is compatible with the humane treatment of prisoners; and
 - (ii) the potential benefits from the use of pepper spray outweigh the potential risks.

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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 Department of Corrections.

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Regulations

1 Title

These regulations are the Corrections Amendment Regulations 2022.

2 Commencement

These regulations come into force on 1 April 2022.

3 Principal regulations

These regulations amend the Corrections Regulations 2005.

4 Regulation 84 amended (Copying of correspondence)

(1) Replace regulation 84(b) and (c) with:

- (b) it is copied in order for an authorised person (as defined in section 103A of the Act) to read the correspondence for the purpose of ascertaining whether it may be withheld under section 108(1) of the Act; or
- (c) it is copied for the purpose of disclosing information under section 110A of the Act; or
- (d) it is copied in order to obtain legal advice to determine—
 - (i) whether there are sufficient grounds to withhold the correspondence under section 108(1) of the Act; or
 - (ii) whether correspondence that is withheld under section 108(1) of the Act should be forwarded to an enforcement officer; or
 - (iii) whether mail may be disclosed for any other applicable purpose set out in the Act (including any of the purposes set out in section 110A(b) of the Act); or
- (e) it is copied for the purpose of complying with any enactment or rule of law; or
- (f) it is copied for the purpose of having it translated into English or te reo Māori; or

(g) the prisoner who sent or received the mail consents to a copy being made.

(2) In regulation 84, insert as subclause (2):

(2) A copy made under subclause (1) must be destroyed when it is no longer required for the purpose for which it was made or any other applicable purpose set out in the Act or in this regulation.

5 New regulation 119A inserted (When non-lethal weapons may be used)

Before regulation 120, insert:

119A When non-lethal weapons may be used

- (1) An officer or staff member may draw or use a baton only against a prisoner and only if the officer or staff member has reasonable grounds for believing that the use of physical force is reasonably necessary for any of the purposes or any of the circumstances referred to in section 83(1) of the Act.
- (2) An officer may draw or use pepper spray only against a prisoner and only if the officer has reasonable grounds for believing that the use of physical force is reasonably necessary for any of the purposes or any of the circumstances referred to in section 83(1) of the Act.

6 Regulation 123A replaced (Meaning of pepper spray)

Replace regulation 123A with:

123A Meaning of pepper spray

- (1) In these regulations, **pepper spray** means an aerosol spray or other aerosol substance, contained in a deployment mechanism described in subclause (2), that—
 - (a) contains a pepper-based irritant (for example, oleoresin capsicum) or synthetic irritant to the eyes and respiratory passages; and
 - (b) is designed to temporarily disable, or to temporarily incapacitate, a person against whom it is used.
- (2) The deployment mechanisms for pepper spray are the following:
 - (a) a hand-held deployment mechanism that deploys a targeted stream of pepper spray at a maximum distance of no more than 7 metres and that is to be carried on the person;
 - (b) a hand-held deployment mechanism that deploys a targeted stream of pepper spray at a maximum distance of no more than 10 metres;
 - (c) a hand-held deployment mechanism that can be equipped with a hose and wand attachment to deliver a dispersed fog of pepper spray into an enclosed space through an opening (such as through a vent or under a door).

Regulation 6 new regulation 123A(2)(a): amended, on 25 March 2022, by regulation 4 of the Corrections Amendment Regulations 2022 Amendment Regulations 2022 (SL 2022/77).

7 Regulation 123B amended (Issue of pepper spray)

Replace regulation 123B(3) with:

- (3) Pepper spray may be issued only at the direction of the prison manager.
- (3A) The prison manager must not issue pepper spray contained in a deployment mechanism of a type described in regulation 123A(2)(b) or (c) unless he or she reasonably believes that—
 - (a) there is a serious threat to prison security or to the safety of any person;
and
 - (b) the use of pepper spray will reduce or eliminate the serious threat.

8 Regulation 123C amended (Drawing and use of pepper spray)

Revoke regulation 123C(2).

Michael Webster,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 24 February 2022.

Notes

1 *General*

This is a consolidation of the Corrections Amendment Regulations 2022 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*

Corrections Amendment Regulations 2022 Amendment Regulations 2022 (SL 2022/79)