



ANIMAL WELFARE (FORMS) REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of November 1999

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 183 of the Animal Welfare Act 1999, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

ANALYSIS

- 1. Title
 - 2. Commencement
 - 3. Search warrant
 - 4. Infringement notice
-

SCHEDULE
Forms

REGULATIONS

1. Title—These regulations may be cited as the Animal Welfare (Forms) Regulations 1999.

2. Commencement—These regulations come into force on 1 January 2000.

3. Search warrant—Every search warrant issued under section 131 of the Animal Welfare Act 1999 must be in form 1 in the Schedule of these regulations.

4. Infringement notice—Every infringement notice issued under section 162 of the Animal Welfare Act 1999 must be in form 2 in the Schedule of these regulations.

SCHEDULE

FORMS

Form 1

Reg. 3

SEARCH WARRANT

Section 131, Animal Welfare Act 1999

To [Full name], a member of the police *or*

To [Full name], an Inspector appointed under the Animal Welfare Act 1999
or

To any member of the police *or*

To any Inspector appointed under the Animal Welfare Act 1999

I am satisfied on an application in writing made on oath by [Full name], a member of the police (*or* an Inspector appointed under the Animal Welfare Act 1999), that there are reasonable grounds for believing that in or on [*Here give particulars of the land, premises, or place or the vehicle, aircraft, or ship that may be searched under the warrant*]—

* an offence against the Animal Welfare Act 1999 or any regulations made under that Act has been, or is being, committed, namely: [*Here give particulars of the offence, including the relevant section or regulation*].

or

* the suffering of an animal can be prevented or mitigated [*Here set out details of the suffering*].

or

* there is any thing that is evidence of an offence committed against the Animal Welfare Act 1999 or any regulations made under that Act, namely: [*Here give particulars of the offence, including the relevant section or regulation creating the offence, and a description of the things or types of things that are to be seized from the land, premises, place or the vehicle, aircraft, or ship*].

or

* there is any thing which there are reasonable grounds to believe may be evidence of the commission of any offence against the Animal Welfare Act 1999 or any regulations made under that Act, namely: [*Here set out the section or regulation creating the offence and a description of the thing or types of things that are to be seized from the land, premises, or place or the vehicle, aircraft, or ship*].

* *Delete if inapplicable*

This warrant authorises you, within 14 days from the date of the issue of this warrant,—

* (a) To stop and enter and search the vehicle, aircraft, or ship specified above on 1 occasion at a time that is reasonable in the circumstances:

or

* (a) To enter and search the land, premises, or place specified above on 1 occasion at a time that is reasonable in the circumstances:

SCHEDULE—continued

FORMS—continued

Form 2

Reg. 4

INFRINGEMENT NOTICE

Section 162, Animal Welfare Act 1999

Infringement Notice No: Date of Notice:

This notice is issued under section 162 of the Animal Welfare Act 1999 to—

Name: Date of birth:
Address:
by [Name], an Inspector under the Animal Welfare Act 1999.

DETAILS OF ALLEGED INFRINGEMENT OFFENCE

The abovenamed Inspector has reasonable cause to believe that you committed an infringement offence—

on [Date] at [Time]
at [Place]

in that, without reasonable excuse,—

* you failed to comply with the provisions of section 36 (2) of the Animal Welfare Act 1999 in that you [Here set out details of what the person failed to do].

or

* you refused or failed to comply with a request made under section 157 (1) or section 157 (2) of the Animal Welfare Act 1999, and so committed an offence against section 157 (4) (a) of that Act in that you [Here set out details relating to that request].

or

* you gave to an Inspector, in response to a request made under section 157 (1) or section 157 (2) of the Animal Welfare Act 1999, particulars that were false in a material respect and so committed an offence against section 157 (4) (b) of that Act [Here set out details of falsity].

* Delete if inapplicable

The infringement fee is \$..... .

The infringement fee is payable within 28 days after [Earliest date notice delivered personally or posted].

The infringement fee is payable to the Director-General, Ministry of Agriculture and Forestry, at [Address where fee payable].

IMPORTANT: Please read the summary of rights printed on the following pages.

SCHEDULE—*continued*FORMS—*continued*Form 2—*continued***SUMMARY OF RIGHTS**

1. This notice sets out an alleged infringement offence.

PAYMENTS

2. If you pay the infringement fee for the alleged infringement offence within 28 days of the service on you of this notice, no further action will be taken for that offence. Payment may be made at the place indicated on the first page of this notice.

PAYMENT BY INSTALMENTS

3. The Director-General, Ministry of Agriculture and Forestry (MAF), may, but is not required to, enter into an arrangement allowing you to pay the infringement fee by instalments. *See* subsections (3A) to (3D) of section 21 of the Summary Proceedings Act 1957.
4. If you wish to pay the infringement fee by instalments, you should ask MAF by letter whether MAF will agree to payment by instalments.
5. If, under section 21 (3A) or (3C) (a) of the Summary Proceedings Act 1957, you arrange with MAF to pay the infringement fee by instalments, you will not be entitled to request a hearing in respect of the offence and paragraphs 7 (b), 7 (c), 8, 9, and 10 below will not apply.

DEFENCE

6. You have a complete defence against proceedings for the alleged infringement offence if you prove that the infringement fee has been paid to the Director-General, Ministry of Agriculture and Forestry (MAF), at the address of the place for payment shown on the first page of this notice before, or within 28 days after, service on you of a reminder notice in respect of the offence.

Note: Late payment or payment at any other place will not be a defence.

FURTHER ACTION

7. If you wish—
 - (a) To raise any matter relating to the alleged offence for consideration by MAF; or
 - (b) To deny liability for the offence and request a District Court hearing (refer to paragraphs 8, 9, and 13 below); or
 - (c) To admit liability for the offence, but wish to have a District Court consider written submissions as to penalty or otherwise (refer to paragraphs 10 and 13 below),—
 you should write to the Director-General, Ministry of Agriculture and Forestry (MAF), at the address shown on the first page of this notice. Any such letter should be personally signed.

SCHEDULE—*continued*FORMS—*continued*Form 2—*continued*

COURT HEARING

8. You have a right to a District Court hearing. If you deny liability for the offence and request a hearing in respect of the alleged offence, MAF will (unless MAF decides not to commence court proceedings) serve you with a notice of hearing setting out the place and time at which the matter will be heard by a District Court.

Note: If the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

9. A request for a hearing must—
- (a) Be in writing signed by you; and
 - (b) Be delivered to MAF at the address specified on the first page of this notice; and
 - (c) Be so delivered before or within 28 days after service on you of a reminder notice.
10. If you admit liability in respect of the offence but want the Court to consider your submissions as to penalty or otherwise, you should, in your letter,—
- (a) Request a hearing; and
 - (b) Admit liability for the offence; and
 - (c) Set out the written submissions you wish to be considered by the Court.

MAF will then file your letter with the Court (unless MAF decides not to commence court proceedings). There will be no oral hearing before the Court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty.

REMINDER NOTICE

11. If, on the expiration of 28 days from the date of service of this notice, the infringement fee has not been paid to MAF at the address specified in this notice and MAF has not received at that address a notice requesting a hearing in respect of the offence, you will be served with a reminder notice (unless MAF decides otherwise).
12. If, on the expiration of 28 days from the date of service of the reminder notice, the infringement fee has not been paid to MAF at the address specified in this notice and MAF has not received at that address a notice requesting a hearing,—
- (a) MAF may file a copy of the reminder notice in a District Court; and
 - (b) You will, under section 21 (5) of the Summary Proceedings Act 1957, become liable to pay **costs in addition to the infringement fee.**

QUERIES AND OTHER CORRESPONDENCE

13. When writing or making payment, please include—
- (a) The date of the infringement; and
 - (b) The infringement notice number; and

SCHEDULE—*continued*FORMS—*continued*Form 2—*continued*

- (c) The identifying number of the alleged offence and the course of action you are taking in respect of it; and
(d) Your address for replies.

LEGAL ADVICE

14. If, after reading this notice, you do not understand anything in it, you should consult a lawyer immediately.

Notes:

Further details of your rights and obligations are in sections 162 and 163 of the Animal Welfare Act 1999 and section 21 of the Summary Proceedings Act 1957.

All queries and all correspondence regarding this infringement notice must be directed to the Director-General, Ministry of Agriculture and Forestry, at the address shown.

MARIE SHROFF,
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 are consequential on the passing of the Animal Welfare Act 1999, specify—

- (a) The form of the search warrant issued under section 131 of that Act; and
(b) The form of the infringement notice issued under section 162 of that Act.

That Act and these regulations come into force on 1 January 2000.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 November 1999.
These regulations are administered in the Ministry of Agriculture and Forestry.