



**THE CRIMINAL INVESTIGATIONS (BLOOD SAMPLES)  
REGULATIONS 1996**

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MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of July 1996

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 80 of the Criminal Investigations (Blood Samples) Act 1995, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Criminal Investigations (Blood Samples) Regulations 1996.

(2) These regulations shall come into force on the 12th day of August 1996.

**2. Interpretation**—(1) In these regulations, unless the context otherwise requires,—

“The Act” means the Criminal Investigations (Blood Samples) Act 1995;

“Registrar” means the Registrar of a court; and includes any Deputy Registrar.

(2) Where any expression used in these regulations is not defined in these regulations but is defined in the Act, then unless the context

otherwise requires, that expression shall have, in these regulations, the meaning given to it in the Act.

**3. Forms**—(1) The forms set out in the Schedule to these regulations are the forms to be used in respect of the matters under the Act to which those forms relate.

(2) Nothing in this regulation limits section 64 of the Act (which provides for the use of accurate translations of prescribed forms where the first or preferred language of a person is other than English).

**4. Service of notices**—(1) Subject to subclause (2) of this regulation, any notice required to be given to or served on any person for the purposes of the Act may be so given or served—

(a) By personally delivering the notice to the person or by bringing it to his or her attention if he or she refuses to accept it; or

(b) By leaving it for the person at his or her place of residence with any person who is normally resident with the person at that place and who appears to be over the age of 18 years.

(2) Where an attempt has been made to give or serve a notice in the manner set out in subclause (1) of this regulation, but that attempt has been unsuccessful, the notice may be given or served—

(a) By sending it by post in a registered letter addressed to the person at his or her usual or last known place of residence or business; or

(b) By leaving it with any solicitor or other person who indicates that he or she is authorised to accept the notice on behalf of the other person.

(3) If, in accordance with subclause (2) (a) of this regulation, any notice is sent to any person by post, it shall be deemed to have been delivered to that person at the time when the registered letter would in the ordinary course of post be delivered, and, in proving the delivery, it shall be sufficient to prove that the letter was properly addressed and posted.

(4) Nothing in this regulation applies in respect of any notice that is required by the Act to be handed to any person.

**5. Service of orders**—(1) The Registrar shall, as soon as practicable after the making of a compulsion order, take all reasonable steps to serve a copy of the order on the respondent.

(2) Subject to subclause (3) of this regulation, every such order shall be served—

(a) By personally delivering it to the respondent or by bringing it to his or her attention if that person refuses to accept it; or

(b) By leaving it for the person at his or her place of residence with any person who is normally resident with the person at that place and who appears to be over the age of 18 years.

(3) Where an attempt has been made to serve an order in the manner set out in subclause (2) of this regulation, but that attempt has been unsuccessful, service shall be effected by service of a copy of the order on the solicitor, if any, who represents the respondent.

**6. Notice of variation of place and time for taking sample**—Where a compulsion order is varied pursuant to section 47 of the Act, the Registrar shall, as soon as practicable after the variation, take all reasonable steps to give notice of the variation to—

- (a) The respondent, if he or she was not the applicant for the variation;  
or
- (b) The Commissioner, if the respondent was the applicant for the variation.

**7. Proof of service**—(1) Where any document is served on any person for the purposes of the Act, service of that document may be proved,—

- (a) By affidavit made by the person serving the document, showing the fact that it was served, and when and how it was served; or
  - (b) On oath before the court; or
  - (c) Where the document was served by an officer of the court or by a sworn or non-sworn member of the Police, by showing the fact that it was served, and when and how it was served,—
    - (i) In an endorsement on the original document or a copy of it;  
or
    - (ii) In a certificate attached to the original document or a copy of it.
- (2) Every endorsement or certificate to which subclause (1) (c) of this regulation applies must be signed,—
- (a) By the person who served the document; or
  - (b) Where service was effected by registered letter, by—
    - (i) An officer of the court; or
    - (ii) A sworn or non-sworn member of the Police—  
who knows of the service.

(3) Where any document is given to any person for the purposes of the Act, the giving of that document may be proved in any manner set out in subclause (1) of this regulation, and this regulation applies with all necessary modifications.

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## SCHEDULE

Reg. 3

## FORMS

## Form 1

NOTICE OF REQUEST TO SUSPECT AGED 17 OR MORE TO GIVE BLOOD  
SAMPLE*Section 7, Criminal Investigations (Blood Samples) Act 1995***READ THIS NOTICE CAREFULLY  
IT CONTAINS IMPORTANT INFORMATION YOU SHOULD  
KNOW**

- You are being asked to consent to the taking of a sample of your blood because—
  - It is believed that you have or may have committed the offence of [*specify*], being an indictable offence; and
  - There are reasonable grounds to believe that analysis of the sample would tend to confirm or disprove your involvement in the commission of that offence

**DO I HAVE TO GIVE A BLOOD SAMPLE?**

- You do not have to give a blood sample if you do not wish to

**WHAT WILL THE BLOOD SAMPLE BE USED FOR?**

- If you give a blood sample, it will be analysed on behalf of the Police
- The results of the analysis may provide evidence that may be used in criminal proceedings

**DO I HAVE TO DECIDE RIGHT NOW?**

- You have 48 hours from the time this request is made to decide whether or not you want to give a blood sample
- If you have not given your consent within that period, you will be taken to have refused to give your consent

**CAN I CHANGE MY MIND ONCE I HAVE GIVEN MY CONSENT?**

- If you give your consent to the taking of a blood sample, you may withdraw your consent at any time before the sample is taken. You will then be taken to have refused to give your consent

**WHAT WILL HAPPEN IF I REFUSE TO GIVE A BLOOD SAMPLE?**

- If you refuse to give a blood sample, the Police may apply to a High Court Judge for an order requiring you to give a blood sample
- The Police can make an application only if—
  - There is good cause to suspect that you committed the offence stated at the beginning of this notice, or a related offence; and
  - That offence is one of the offences listed in Part A of the Schedule to the Criminal Investigations (Blood Samples) Act 1995

**HOW WILL THE BLOOD SAMPLE BE TAKEN?**

- You can choose whether you want the sample taken from a vein or from a needle-prick to your finger or thumb
- The Police may tell you that they prefer that the sample is taken in a particular way, but the final decision is yours

SCHEDULE—*continued*FORMS—*continued*Form 1—*continued***WHO WILL TAKE THE BLOOD SAMPLE?**

- A blood sample may be taken only by a doctor or, if you agree, by a registered nurse

**CAN I HAVE SOMEONE WITH ME WHEN I GIVE A SAMPLE?**

- You can ask to have a doctor, a lawyer, and one other person with you when you give a blood sample. You can choose who you want to be there

**CAN I GET MY OWN ANALYSIS DONE?**

- If you give a sample of blood from a vein, then you will be asked whether you want to have part of the sample to have your own analysis done
- If you give a fingerprick sample, then you will be asked whether you want to have a second sample taken to have your own analysis done
- If you do want your own analysis done, you will have to make your own arrangements for this

**WHAT INFORMATION WILL I GET ABOUT THE ANALYSIS?**

- When the blood sample has been analysed on behalf of the Police, a copy of the record of that analysis will be made available to you or your lawyer
- The Police will also make available a copy of any record of any comparison made between that analysis and any analysis of material that may have come from the person who committed the offence referred to at the beginning of this notice

**WHAT WILL THE POLICE DO WITH MY SAMPLE AND THE ANALYSIS OF IT?**

- Your blood sample, and any information that comes from an analysis of the sample, will be held by or on behalf of the Police
- Information that comes from an analysis of your sample may be stored on a DNA profile databank maintained by the Police. This can only be done if—
  - You are convicted of the offence referred to at the beginning of this notice, or a related offence; and
  - That offence is one of the offences listed in Part A or Part B of the Schedule to the Criminal Investigations (Blood Samples) Act 1995

**HOW LONG WILL THE POLICE HOLD MY SAMPLE AND THE ANALYSIS OF IT?**

- Your blood sample, every record of any analysis of the sample, and all information linking you with the sample, must be destroyed by the Police in certain circumstances. These are as follows:
  - If you are not charged with the offence referred to at the beginning of this notice, or a related offence, within a certain period
  - If you are charged, but the charge is withdrawn or you are acquitted
  - If you are convicted, but the offence is not one of the offences listed in Part A or Part B of the Schedule to the Criminal Investigations (Blood Samples) Act 1995
- If you are convicted of one of the offences listed in the Schedule to that Act, the blood sample must be destroyed after a certain period, but

SCHEDULE—*continued*

FORMS—*continued*

Form 1—*continued*

information that comes from an analysis of the sample may be kept on a DNA profile databank

**CAN I SEEK ADVICE ABOUT THIS REQUEST?**

- You may wish to consult a lawyer—
  - Before deciding whether or not to consent to the taking of a blood sample:
  - If there is anything you do not understand about this request

**CONSENT TO TAKING OF BLOOD SAMPLE**

- I consent to give a blood sample (please answer “YES” or “NO”)

Signature of Suspect

Date

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SCHEDULE—*continued*FORMS—*continued*

## Form 2

NOTICE OF REQUEST TO SUSPECT AGED UNDER 17 TO GIVE BLOOD SAMPLE  
*Section 8, Criminal Investigations (Blood Samples) Act 1995***READ THIS NOTICE CAREFULLY  
IT CONTAINS IMPORTANT INFORMATION BOTH YOU AND  
YOUR PARENT SHOULD KNOW**

- You and your parent are being asked to consent to the taking of a sample of your blood because—
  - It is believed that you have or may have committed the offence of [*specify*], being an indictable offence; and
  - There are reasonable grounds to believe that analysis of the sample would tend to confirm or disprove your involvement in the commission of that offence
- Because you are under 17 years of age, a sample of your blood can be taken only if both you and one of your parents consent to the taking of the sample
- For the purposes of this request, the law defines a parent as—
  - A parent or guardian
  - A step-parent
  - Someone in New Zealand who is acting in the place of one of those persons, if none of them can be found or is able to consent

**DO I HAVE TO GIVE A BLOOD SAMPLE?**

- You do not have to give a blood sample if you do not wish to
- Your parent is under no obligation to consent to the taking of a sample of your blood

**WHAT WILL THE BLOOD SAMPLE BE USED FOR?**

- If you give a blood sample, it will be analysed on behalf of the Police
- The results of the analysis may provide evidence that may be used in criminal proceedings

**DO WE HAVE TO DECIDE RIGHT NOW?**

- You and your parent have 48 hours from the time this request is made to decide whether or not you want to consent to the taking of a sample of your blood
- If both you and your parent have not consented within that period, you will be taken to have refused to give your consent

**CAN WE CHANGE OUR MINDS ONCE WE HAVE GIVEN CONSENT?**

- If you or your parent consent to the taking of a blood sample, either of you may withdraw your consent at any time before the sample is taken. You will then be taken to have refused to give your consent

**WHAT WILL HAPPEN IF WE DO NOT CONSENT TO GIVE A BLOOD SAMPLE?**

- If you or your parent refuse to consent to the taking of a sample of your blood, the Police may apply to a High Court Judge for an order requiring you to give a blood sample

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

- The Police can make an application only if—
  - There is good cause to suspect that you committed the offence stated at the beginning of this notice, or a related offence; and
  - That offence is one of the offences listed in Part A of the Schedule to the Criminal Investigations (Blood Samples) Act 1995

**HOW WILL THE BLOOD SAMPLE BE TAKEN?**

- You can choose whether you want the sample taken from a vein or from a needle-prick to your finger or thumb
- The Police may tell you that they prefer that the sample is taken in a particular way, but the final decision is yours

**WHO WILL TAKE THE BLOOD SAMPLE?**

- A blood sample may be taken only by a doctor or, if you agree, by a registered nurse

**CAN I HAVE SOMEONE WITH ME WHEN I GIVE A SAMPLE?**

- You can ask to have a doctor, a lawyer, and one other person with you when you give a blood sample. You may also ask to have one of your parents, or someone who is caring for you, with you
- You can choose who you want to be there, or you can let your parent or caregiver choose for you

**CAN I GET MY OWN ANALYSIS DONE?**

- If you give a sample of blood from a vein, then you will be asked whether you want to have part of the sample to have your own analysis done
- If you give a fingerprick sample, then you will be asked whether you want to have a second sample taken to have your own analysis done
- If you do want your own analysis done, you will have to make your own arrangements for this

**WHAT INFORMATION WILL I GET ABOUT THE ANALYSIS?**

- When the blood sample has been analysed on behalf of the Police, a copy of the record of that analysis will be made available to you or your lawyer
- The Police will also make available a copy of any record of any comparison made between that analysis and any analysis of material that may have come from the person who committed the offence referred to at the beginning of this notice

**WHAT WILL THE POLICE DO WITH MY SAMPLE AND THE ANALYSIS OF IT?**

- Your blood sample, and any information that comes from an analysis of the sample, will be held by or on behalf of the Police
- Information that comes from an analysis of your sample may be stored on a DNA profile databank maintained by the Police. This can only be done if—
  - You are convicted of the offence referred to at the beginning of this notice, or a related offence; and
  - That offence is one of the offences listed in Part A or Part B of the Schedule to the Criminal Investigations (Blood Samples) Act 1995



SCHEDULE—continued

FORMS—continued

Form 2—continued

**HOW LONG WILL THE POLICE HOLD MY SAMPLE AND THE ANALYSIS OF IT?**

• Your blood sample, every record of any analysis of the sample, and all information linking you with the sample, must be destroyed by the Police in certain circumstances. These are as follows:

- If you are not charged with the offence referred to at the beginning of this notice, or a related offence, within a certain period
- If you are charged, but the charge is withdrawn or you are acquitted
- If you are convicted, but the offence is not one of the offences listed in Part A or Part B of the Schedule to the Criminal Investigations (Blood Samples) Act 1995
- If you are convicted of one of the offences listed in the Schedule to that Act, the blood sample must be destroyed after a certain period, but information that comes from an analysis of the sample may be kept on a DNA profile databank

**CAN WE SEEK ADVICE ABOUT THIS REQUEST?**

- You and your parent may wish to consult a lawyer—
  - Before deciding whether or not to consent to the taking of a blood sample:
  - If there is anything you do not understand about this request

**SUSPECT’S CONSENT TO TAKING OF BLOOD SAMPLE**

- I consent to give a blood sample (please answer “YES” or “NO”)

Signature of Suspect

Date

**PARENT’S CONSENT TO TAKING OF BLOOD SAMPLE**

- I consent to the taking of a blood sample from [Name of suspect] (please answer “YES” or “NO”)

Signature of Parent

Date

SCHEDULE—*continued*FORMS—*continued*

## Form 3

## SUSPECT/JUVENILE COMPULSION ORDER

*Section 24, Criminal Investigations (Blood Samples) Act 1995*To: *[Full name]*

On application made by *[Name of applicant]*, the Honourable Justice .....  
....., acting pursuant to section 16 (or section 23) of the Criminal  
Investigations (Blood Samples) Act 1995, makes the following order:

- You are required to give a sample of your blood
- Subject to any conditions stated below, you must attend on *[Date]* at *[Place]* to give the sample

\*• This order is subject to the following conditions: *[State any conditions specified by the Judge]*

\*Delete if inapplicable

**READ THIS NOTICE CAREFULLY****IT CONTAINS IMPORTANT INFORMATION ABOUT THE  
ORDER REQUIRING YOU TO GIVE A SAMPLE OF YOUR BLOOD****HOW WILL THE BLOOD SAMPLE BE TAKEN?**

- You will be asked whether you want the sample taken from a vein or from a needle-prick to your finger or thumb
- If you agree to give a sample in accordance with the order, the sample will be taken in the way you have chosen
- The Police may tell you that they prefer that the sample is taken in a particular way, but the final decision is yours

**WHO WILL TAKE THE BLOOD SAMPLE?**

- A blood sample may be taken only by a doctor or, if you agree, by a registered nurse

**CAN I BE FORCED TO GIVE A BLOOD SAMPLE?**

- If you refuse to give a blood sample, a member of the Police may use or cause to be used reasonable force to assist the doctor to take a sample
- If force is used, the sample would be taken from a needle-prick to your finger or thumb

**CAN I HAVE SOMEONE WITH ME WHEN I GIVE A SAMPLE?**

- You can ask to have a doctor, a lawyer, and one other person with you when you give a blood sample. You can choose who you wish to be there
- If you are under 17 years of age, you may also ask to have one of your parents, or someone who is caring for you, with you. You can choose who you want to be there, or you can let your parent or caregiver choose for you

**CAN I GET MY OWN ANALYSIS DONE?**

- If you give a sample of blood from a vein, then you will be asked whether you want to have part of the sample to have your own analysis done
- If you give a fingerprick sample, then you will be asked whether you want to have a second sample taken to have your own analysis done

**SCHEDULE—continued****FORMS—continued****Form 3—continued**

- If you do want your own analysis done, you will have to make your own arrangements for this

**WHAT INFORMATION WILL I GET ABOUT THE ANALYSIS?**

- When the blood sample has been analysed on behalf of the Police, a copy of the record of that analysis will be made available to you or your lawyer
- The Police will also make available a copy of any record of any comparison made between that analysis and any analysis of material that may have come from the person who committed the offence to which the application for this order relates

**WHAT WILL THE POLICE DO WITH MY SAMPLE AND THE ANALYSIS OF IT?**

- Your blood sample, and any information that comes from an analysis of the sample, will be held by or on behalf of the Police
- Information that comes from an analysis of your sample may be stored on a DNA profile databank maintained by the Police. This can only be done if you are convicted of—
  - The offence to which this order relates; or
  - A related offence that is one of the offences listed in Part A or Part B of the Schedule to the Criminal Investigations (Blood Samples) Act 1995

**HOW LONG WILL THE POLICE HOLD MY SAMPLE AND THE ANALYSIS OF IT?**

- Your blood sample, every record of any analysis of the sample, and all information linking you with the sample, must be destroyed by the Police in certain circumstances. These are as follows:
  - If you are not charged with the offence to which the application for this order relates, or a related offence that is one of the offences listed in Part A or Part B of the Schedule to the Criminal Investigations (Blood Samples) Act 1995, within a certain period
  - If you are charged, but the charge is withdrawn or you are acquitted
  - If you are convicted, but the offence is not one of the offences listed in Part A or Part B of the Schedule to that Act
- If you are convicted of one of the offences listed in the Schedule to that Act, the blood sample must be destroyed after a certain period, but the Police may keep information that comes from an analysis of the sample on a DNA profile databank

SCHEDULE—*continued*FORMS—*continued*Form 3—*continued***CAN THE PLACE AND TIME FOR TAKING THE SAMPLE BE CHANGED?**

• You or the Police can apply to a Judge of the High Court to have this order varied by—

- Varying the date on which the sample is to be taken; or
  - Varying the place where the sample is to be taken
- If you want to apply for this order to be varied, talk to your lawyer

**IF THERE IS ANYTHING YOU DO NOT UNDERSTAND  
ABOUT THIS ORDER, TALK TO YOUR LAWYER**

.....  
(Deputy) Registrar

—  
Form 4

NOTICE OF REQUEST TO GIVE BLOOD SAMPLE FOR DNA PROFILE DATABANK  
*Section 30, Criminal Investigations (Blood Samples) Act 1995*

**READ THIS NOTICE CAREFULLY  
IT CONTAINS IMPORTANT INFORMATION YOU SHOULD  
KNOW**

- You are being asked to consent to the taking of a sample of your blood
- The purpose of this request is to obtain information that will be stored on a DNA profile databank and that may be used by the Police in the investigation of criminal offences

**DO I HAVE TO GIVE A BLOOD SAMPLE?**

- You do not have to give a blood sample if you do not wish to

**WHAT WILL THE BLOOD SAMPLE BE USED FOR?**

- If you give a blood sample, it will be analysed to obtain a DNA profile
- The results of the analysis will be stored on a DNA profile databank maintained by the Police
- The results of the analysis may result in you being charged with a criminal offence

**ARE THERE CONTROLS ON THE USE OF INFORMATION ON A DNA PROFILE DATABANK?**

- No one may have access to, or may disclose, information stored on a DNA profile databank except for 1 or more of the following purposes:
  - Comparing a DNA profile on the databank with another DNA profile, in the course of a criminal investigation by the Police
  - Making your information available to you in accordance with the Privacy Act 1993
  - Administering the DNA profile databank
- Information stored on a DNA profile databank may also be used in applying for certain orders under the Criminal Investigations (Blood

SCHEDULE—*continued*FORMS—*continued*Form 4—*continued*

Samples) Act 1995, and in prosecuting people who commit certain offences against that Act

**CAN I CHANGE MY MIND ONCE I HAVE GIVEN MY CONSENT?**

- If you give your consent to the taking of a blood sample, you may withdraw your consent at any time before the sample is taken

**HOW WILL THE BLOOD SAMPLE BE TAKEN?**

- You can choose whether you want the sample taken from a vein or from a needle-prick to your finger or thumb
- The Police may tell you that they prefer that the sample is taken in a particular way, but the final decision is yours

**WHO WILL TAKE THE BLOOD SAMPLE?**

- A blood sample may be taken only by a doctor or, if you agree, by a registered nurse

**CAN I HAVE SOMEONE WITH ME WHEN I GIVE A SAMPLE?**

- You can ask to have a doctor, a lawyer, and one other person with you when you give a blood sample. You can choose who you want to be there

**CAN I GET MY OWN ANALYSIS DONE?**

- If you give a sample of blood from a vein, then you will be asked whether you want to have part of the sample to have your own analysis done
- If you give a fingerprick sample, then you will be asked whether you want to have a second sample taken to have your own analysis done
- If you do want your own analysis done, you will have to make your own arrangements for this

**WHAT INFORMATION WILL I GET ABOUT THE ANALYSIS?**

- When the blood sample has been analysed on behalf of the Police, a copy of the record of that analysis will be made available to you or your lawyer
- The Police will also make available a copy of any record of any comparison made between that analysis and any analysis of material that may have come from a person who has committed an indictable offence

**CAN I LATER WITHDRAW CONSENT TO THE USE OF MY BLOOD SAMPLE?**

- If you give a blood sample, you may generally withdraw your consent to the use of that sample at any time
- Simply notify the Commissioner of Police in writing of your decision. The Police are then obliged to destroy the sample, every record of any analysis of the sample, and all information linking you with the sample

**WHEN CAN'T I WITHDRAW MY CONSENT TO THE USE OF MY BLOOD SAMPLE?**

- In certain circumstances, you cannot withdraw your consent to the use of your sample, and it will be retained on a DNA profile databank
- You cannot withdraw your consent if, after the sample is taken, you are convicted of one of the offences listed in Part A or Part B of the Schedule

SCHEDULE—*continued*FORMS—*continued*Form 4—*continued*

to the Criminal Investigations (Blood Samples) Act 1995 (unless that conviction is later quashed)

- If you give a sample for a DNA profile databank, you may at the same time agree to let the Police use the sample in the investigation of a specific offence. In that case, you may withdraw your consent to the use of the sample for DNA databank purposes, but the Police may continue to use the sample for the purposes of that investigation
- At the time you withdraw your consent, the Police may be taking, or may want to take, steps to obtain from you another blood sample for use in the investigation of a specific offence. In that case, the blood sample you gave for the DNA profile databank, and the DNA profile obtained from it, may be retained until those steps have been taken

**CAN I SEEK ADVICE ABOUT THIS REQUEST?**

- You may wish to consult a lawyer—
  - Before deciding whether or not to consent to the taking of a blood sample:
  - If there is anything you do not understand about this request

**CONSENT TO TAKING OF BLOOD SAMPLE**

- I consent to give a blood sample (please answer “YES” or “NO”)

Signature

Date

/ /
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SCHEDULE—*continued*FORMS—*continued*

## Form 5

## NOTICE OF DUAL REQUESTS

*Section 33 (b), Criminal Investigations (Blood Samples) Act 1995***READ THIS NOTICE CAREFULLY  
IT CONTAINS IMPORTANT INFORMATION YOU SHOULD  
KNOW**

- You have been requested to give a sample of your blood for 2 purposes
- You will have been given 2 other notices that explain what those 2 purposes are. They are—
  - A notice of request to suspect aged 17 or more to give blood sample; and
  - A notice of request to give blood sample for DNA profile databank
- You should read those notices carefully

**DO I HAVE TO COMPLY WITH THE REQUESTS?**

- You do not have to give a blood sample for either purpose

**WHAT ARE MY CHOICES?**

- You can do any of the following:
  - You can consent to the taking of a blood sample for both purposes
  - You can consent to the taking of a blood sample for one of the purposes, and refuse to consent for the other purpose
  - You can refuse both of the requests

**WHAT HAPPENS IF I AGREE TO ONLY ONE OF THE REQUESTS?**

- If you consent to the taking of a blood sample for only one purpose, then information obtained from the analysis of that sample may generally be used for that purpose only

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE**

- I have received a copy of this form

Signature of Suspect

Date

/ /
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## SCHEDULE—continued

## FORMS—continued

## Form 6

## DATABANK COMPULSION ORDER

## Section 42, Criminal Investigations (Blood Samples) Act 1995

To: [Full name]

On application made by [Name of applicant], the Honourable Justice (or Judge) ....., acting pursuant to section 39 of the Criminal Investigations (Blood Samples) Act 1995, makes the following order:

- You are required to give a sample of your blood
- Subject to any conditions stated below, you must attend on [Date] at [Place] to give the sample

\*• This order is subject to the following conditions: [State any conditions specified by the Judge]

\*Delete if inapplicable

**READ THIS NOTICE CAREFULLY****IT CONTAINS IMPORTANT INFORMATION ABOUT THE ORDER REQUIRING YOU TO GIVE A SAMPLE OF YOUR BLOOD****WHAT WILL THE BLOOD SAMPLE BE USED FOR?**

- Your blood sample will be analysed to obtain a DNA profile
- The results of the analysis will be stored on a DNA profile databank maintained by the Police

**ARE THERE CONTROLS ON THE USE OF INFORMATION ON A DNA PROFILE DATABANK?**

- No one may have access to, or may disclose, information stored on a DNA profile databank except for 1 or more of the following purposes:
  - Comparing a DNA profile on the databank with another DNA profile, in the course of a criminal investigation by the Police
  - Making your information available to you in accordance with the Privacy Act 1993
  - Administering the DNA profile databank
- Information stored on a DNA profile databank may also be used in applying for certain orders under the Criminal Investigations (Blood Samples) Act 1995, and in prosecuting people who commit certain offences against that Act

**HOW WILL THE BLOOD SAMPLE BE TAKEN?**

- You will be asked whether you want the sample taken from a vein or from a needle-prick to your finger or thumb
- If you agree to give a sample in accordance with the order, the sample will be taken in the way you have chosen
- The Police may tell you that they prefer that the sample is taken in a particular way, but the final decision is yours

**WHO WILL TAKE THE BLOOD SAMPLE?**

- A blood sample may be taken only by a doctor or, if you agree, by a registered nurse

**CAN I BE FORCED TO GIVE A BLOOD SAMPLE?**

- If you refuse to give a blood sample, a member of the Police may use or cause to be used reasonable force to assist the doctor to take a sample



SCHEDULE—*continued*FORMS—*continued*Form 6—*continued*

- If force is used, the sample would be taken from a needle-prick to your finger or thumb

**CAN I HAVE SOMEONE WITH ME WHEN I GIVE A SAMPLE?**

- You can ask to have a doctor, a lawyer, and one other person with you when you give a blood sample. You can choose who you wish to be there
- If you are under 17 years of age, you may also ask to have one of your parents, or someone who is caring for you, with you. You can choose who you want to be there, or you can let your parent or caregiver choose for you

**CAN I GET MY OWN ANALYSIS DONE?**

- If you give a sample of blood from a vein, then you will be asked whether you want to have part of the sample to have your own analysis done
- If you choose to give a fingerprick sample, then you will be asked whether you want to have a second sample taken to have your own analysis done
- If you do want your own analysis done, you will have to make your own arrangements for this

**WHAT INFORMATION WILL I GET ABOUT THE ANALYSIS?**

- When the blood sample has been analysed on behalf of the Police, a copy of the record of that analysis will be made available to you or your lawyer
- The Police will also make available a copy of any record of any comparison made between that analysis and any analysis of material that came from a person who has committed an indictable offence

**IS IT AGAINST THE LAW TO REFUSE TO GIVE A SAMPLE?**

- If you refuse to allow a sample of your blood to be taken, and as a result, no sample is taken, you commit an offence. That offence carries a maximum penalty of 3 months imprisonment or a fine of \$2,000, or both

**CAN THE PLACE AND TIME FOR TAKING THE SAMPLE BE CHANGED?**

- You or the Police can apply to a Judge to have this order varied by—
  - Varying the date on which the sample is to be taken; or
  - Varying the place where the sample is to be taken
- If you want to apply for this order to be varied, talk to your lawyer

IF THERE IS ANYTHING YOU DO NOT UNDERSTAND  
ABOUT THIS ORDER, TALK TO YOUR LAWYER

.....  
(Deputy) Registrar

SCHEDULE—*continued*

FORMS—*continued*

Form 7

WARRANT TO ARREST AND DETAIN RESPONDENT UNDER COMPELSION ORDER

*Section 45, Criminal Investigations (Blood Samples) Act 1995*

No. .... /19....

To: Every member of the Police

A compulsion order was made under the Criminal Investigations (Blood Samples) Act 1995 on the ..... day of ..... 19.... in the ..... Court at ..... requiring [*Full name*], of [*Address*], [*Occupation*], to give a blood sample.

A Judge of the High Court (*or* a District Court Judge) has directed the issue of a warrant to arrest that person and detain him (*or* her) to enable a blood sample to be taken in accordance with the compulsion order.

This warrant authorises you—

- To arrest [*Full name*]; and
- To detain him (*or* her) for as long as is reasonably necessary to take a blood sample from him (*or* her) in accordance with the compulsion order, but in no case longer than 24 hours

This warrant expires—

- Immediately after a blood sample is taken from the above-named person in accordance with the compulsion order; or
- On the expiry of the date specified in the order as the date on which that person is required to give a blood sample,—

whichever occurs first

The power to arrest and detain pursuant to this warrant may be exercised on 1 occasion only

Dated at ..... this ..... day of ..... 19....

.....  
(Deputy) Registrar

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 make provision for various matters under the Criminal Investigations (Blood Samples) Act 1995. They prescribe various forms, and set out the procedure for the giving or serving of notices and other documents.

These regulations, and the Criminal Investigations (Blood Samples) Act 1995, come into force on 12 August 1996.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 11 July 1996.  
These regulations are administered in the Ministry of Justice.