

1987/309



**THE CRIMINAL JUSTICE REGULATIONS 1985
AMENDMENT NO. 2**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 5th day of October 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Criminal Justice Act 1985, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Criminal Justice Regulations 1985, Amendment No. 2, and shall be read together with and deemed part of the Criminal Justice Regulations 1985* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of November 1987.

2. New form substituted—The First Schedule to the principal regulations is hereby amended by revoking form 3, and substituting the form 3 set out in the Schedule to these regulations.

SCHEDULE

Reg. 2

NEW FORM SUBSTITUTED

FORM 3

ATTACHMENT ORDER

(Section 24 (b), Criminal Justice Act 1985)

TO: [Full name] of [Address]

I am satisfied that you are the employer of [Full name] of [Address] (in this order called the defendant).

The defendant was on the day of 19 convicted of by the Court at and sentenced to make reparation.

At the date of this order \$..... remains owing under the sentence (that amount in this order being called the secured amount).

The defendant has consented to the making of this order.

IT IS HEREBY ORDERED that the secured amount shall, by way of weekly payments of \$....., be a charge on any salary or wages that from time to time while this order remains in force become due and payable by you to the defendant.

The charge shall accrue from week to week, and on each [Specify day] in each week.

You are therefore required, while this order is in force, to deduct from each amount that becomes due and payable by you to the defendant by way of salary or wages an amount equal to the amount obtained by multiplying [Here state the amount of the weekly payments specified above] by the number of complete weeks ending with [Here state the day specified above as the day in each week on which weekly payments accrue] that have elapsed since the date on which this order came into force, or the date of the last such deduction, as the case may require.

Each amount so deducted shall be paid to the Registrar of the Court at not later than the 20th day of the month next after the month in which the deduction is made.

You are not required to make deductions that total more than the secured amount.

If any deduction would reduce the net amount payable by you to the defendant below \$..... per week, you must deduct only such amount as would leave the defendant that amount net per week.

This order shall come into force on the date on which it is served on you (*or on the day of 19....., whichever is the later) and shall remain in force for a period of weeks, unless you are notified otherwise.

Dated at the Court at this day of 19

.....

Judge

*Delete if inapplicable

SCHEDULE—*continued*

NOTICE TO EMPLOYER

1. This attachment order—
 - (a) Applies whether or not the contract of employment in respect of which the salary or wages are due existed at the date of the order;
 - (b) Prevails over and has priority to any assignment or charge created by the defendant whether before or after the making of the order.
2. It is an offence to fail without reasonable excuse to comply with this order.
3. If you do not make payments as required, you could be sued for the amount owing.
4. You must notify the Registrar of the Court at within 7 days if the defendant leaves or is dismissed from your employment.
5. It is an offence to dismiss or alter the defendant's position in your business or undertaking by reason of this order having been served on you.
6. If you are forced to reduce the amount of any deduction from the defendant's salary or wages so as to leave the defendant the specified minimum net amount per week, you should notify the Registrar immediately.
7. If in doubt as to your obligations under this order, you should consult a solicitor or the Registrar immediately.

C. J. HILL,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of these regulations, but is intended to indicate their general effect.

These regulations prescribe a new form for attachment orders issued under section 24 of the Criminal Justice Act 1985. The new form is required as a result of changes made by the Summary Proceedings Amendment Act 1987.

The regulations come into force on 1 November 1987.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 October 1987.

These regulations are administered in the Department of Justice.