



**THE CRIMINAL PROCEEDINGS (ENFORCEMENT OF FINES)
RULES 1967, AMENDMENT NO. 1**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 23rd day of September
1985

Present:

THE HON. R. W. PREBBLE PRESIDING IN COUNCIL

PURSUANT to the Crimes Act 1961 and the Judicature Act 1908, His Excellency the Governor-General, acting by and with the consent of the Executive Council and with the concurrence of the Right Honourable the Chief Justice and at least two of the other members of the Rules Committee (of whom at least one was a Judge of the High Court), hereby makes the following rules.

RULES

1. Title and commencement—(1) These rules may be cited as the Criminal Proceedings (Enforcement of Fines) Rules 1967, Amendment No. 1, and shall be read together with and deemed part of the Criminal Proceedings (Enforcement of Fines) Rules 1967* (hereinafter referred to as the principal rules).

(2) These rules shall come into force on the 1st day of October 1985.

2. Forms to be used where person liable to community service or periodic detention—(1) The principal rules are hereby amended by inserting, after rule 6, the following rule:

“6A. (1) Every summons to a person who is liable under section 19DA of the Crimes Act 1961 to be sentenced to community service or to periodic

detention for non-payment of a sum of money shall be in form 6A in the Schedule to these rules, and every warrant to arrest any such person issued under that section shall be in form 6B in that Schedule.

“(2) Where a Judge sentences any such person under that section to community service or to periodic detention, the Registrar shall record the particulars of the sentence in form 6C or form 6D in that Schedule, as the case may require.”

(2) The Schedule to the principal rules is hereby amended by inserting, after form 6, the forms 6A to 6D set out in the Schedule to these rules.

SCHEDULE

Rule 2 (2)

NEW FORMS INSERTED IN PRINCIPAL RULES

Form 6A

SUMMONS TO PERSON LIABLE TO COMMUNITY SERVICE OR PERIODIC
DETENTION FOR NON-PAYMENT OF FINE
(Section 19DA, Crimes Act 1961)

To [Full name], of [Address], [Occupation]

On the day of 19 ... you were convicted of by the High Court at and you were ordered to pay the sum of and the sum of for

A warrant to collect was issued on the day of 19 ... *(and a warrant of distress on the day of 19 ...), but (part of) the sum of money is still unpaid.

Now pursuant to section 19DA of the Crimes Act 1961 you are liable to be sentenced to community service or to periodic detention.

You are summoned to appear on day, the day of 19 ..., at a.m.(p.m.) at the High Court at, to show cause why such a sentence should not be imposed on you.

Dated at the High Court at this day of 19 ...

.....
Judge.

*Delete if inapplicable

SCHEDULE—continued
Form 6B

WARRANT TO ARREST PERSON LIABLE TO COMMUNITY SERVICE OR PERIODIC
DETENTION FOR NON-PAYMENT OF FINE

(Section 19DA, Crimes Act 1961)

To every constable:

On the day of 19 ...

[Full name], of [Address], [Occupation] (hereinafter called the offender) was convicted of by the High Court at and was ordered to pay the sum of and the sum of for

A warrant to collect was issued on the day of 19 ... *(and a warrant of distress on the day of 19 ...), but (part of) the sum of money is still unpaid.

Now pursuant to section 19DA of the Crimes Act 1961 the offender is liable to be sentenced to community service or to periodic detention.

I am of the opinion that there are grounds for the issue of this warrant of arrest.

And I direct you to arrest the offender and bring the offender before the High Court as soon as possible to show cause why such a sentence should not be imposed on the offender.

Dated at the High Court at this day of 19 ...

.....
Judge.

*Delete if inapplicable

Form 6C

ORDER FOR SENTENCE OF COMMUNITY SERVICE FOR NON-PAYMENT OF FINE

(Section 19DA, Crimes Act 1961)

Whereas [Full name], of [Address], [Occupation] (hereinafter called the offender) was on the day of 19 ... convicted of by the High Court at and was ordered to pay the sum of and the sum of for

And whereas (part of) the sum of money has not been paid:

On the offender's appearance before the Court the offender was this day sentenced pursuant to section 19DA of the Crimes Act 1961 to community service for hours.

(Deputy) Registrar.

Note: Section 32 (2) of the Criminal Justice Act 1985 requires the offender to report to the Supervising Officer within 72 hours after the sentence of community service is imposed.

SCHEDULE—continued
Form 6D

ORDER FOR SENTENCE OF PERIODIC DETENTION FOR NON-PAYMENT OF FINE

(Section 19DA, Crimes Act 1961)
(Section 40 (2), Criminal Justice Act 1985)

Whereas [Full name], of [Address], [Occupation] (hereinafter called the offender) was on the day of 19 ... convicted of by the High Court at and was ordered to pay the sum of and the sum of for

And Whereas (part of) the sum of money has not been paid:

And Whereas on the offender's appearance before the Court pursuant to section 19DA of the Crimes Act 1961 the offender was this day sentenced to periodic detention for a term of

NOW PURSUANT TO section 40 (2) of the Criminal Justice Act 1985, the Court has ordered as follows:

1. That the offender shall report at the Work Centre at o'clock a.m.(p.m.) on day of 19 ...
2. That thereafter the offender shall report at that work centre—
 - *(a) On occasions in each week during the sentence:
 - *(b) On one occasion in each week during the sentence and on such other occasion or occasions in each week as the Warden may from time to time specify:
 - *(c) On such number of occasions in each week during the sentence as the Warden may from time to time specify.
3. That the maximum duration of each period of custody shall be hours.†

Dated at the High Court at this day of 19 ...

(Deputy) Registrar.

*Delete whichever are inapplicable.

†Section 40 (3) of the Criminal Justice Act 1985 provides that no period of custody shall be longer than 9 hours, and the aggregate in any week shall not exceed 15 hours.

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

The amendments are of an administrative nature only, and are consequential upon the enactment of the Criminal Justice Act 1985 and the Crimes Amendment Act (No. 2) 1985.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 26 September 1985.
These rules are administered in the Department of Justice.