



Prostitution Reform (Form of Warrants) Regulations 2003

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 8th day of September 2003

Present:

Her Excellency the Governor-General in Council

Pursuant to section 47(a) of the Prostitution Reform Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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to enter place

Regulations

1 Title

These regulations are the Prostitution Reform (Form of Warrants) Regulations 2003.

2 Commencement

These regulations come into force on 10 October 2003.

3 Form of warrants

- (1) A search warrant issued under section 27 of the Prostitution Reform Act 2003 must be in the form set out in Schedule 1.
 - (2) A search warrant issued under section 30 of the Prostitution Reform Act 2003 must be in the form set out in Schedule 2.
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Schedule 1

r 3(1)

**Warrant issued under section 27 of Prostitution
Reform Act 2003 for inspector to enter home**

To *[full name]*, an inspector under section 25 of the Prostitution Reform Act 2003

I am satisfied, on an application made on oath, that there are reasonable grounds for believing that—

- *(a) a business of prostitution is being carried on in the home situated at *[address of home]*; or
- *(b) the home situated at *[address of home]*, or part of that home, is the only practicable means through which to enter premises where a business of prostitution is being carried on.

*Delete whichever is inapplicable.

- 1 This warrant authorises you to enter the home at the address specified above for the purposes of determining whether or not a person is complying with section 8 or section 9 of the Prostitution Reform Act 2003.
- 2 During an inspection, you may—
 - (a) conduct reasonable inspections; and
 - (b) take photographs and measurements and make sketches and recordings; and
 - (c) require any of the following persons to provide information or assistance reasonably required by you:
 - (i) a person who operates the business of prostitution, or an employee or agent of that person;
 - (ii) a sex worker or client of the business of prostitution; and
 - (d) take copies of the information referred to in paragraph (c).
- 3 This warrant also authorises you to seize and retain anything that you have reasonable grounds to believe is evidence of the commission of an offence against section 8 or section 9 of the Prostitution Reform Act 2003.
- 4 You may take any person acting under your direct supervision into the premises to assist you with the inspection.

Issued at *[place]*.

.....
(District Court Judge, Justice,
Community Magistrate, or
Registrar of a District Court
who is not a member of the
police)

.....
Date

Schedule 2

r 3(2)

**Warrant issued under section 30 of Prostitution
Reform Act 2003 for police to enter place**

To Every member of the police

I am satisfied, on an application made on oath, that, in relation to [*address of place*],—

- (a) there is good cause to suspect that an offence is being, has been, or is likely to be committed at that place under—
 - **(i)* section 23 of the Prostitution Reform Act 2003 (which concerns using persons under 18 years in prostitution); or
 - **(ii)* section 34 of the Prostitution Reform Act 2003 (which concerns being an operator while not holding a certificate); and
- (b) there are reasonable grounds to believe that it is necessary for a member of the police to enter the place for the purpose of preventing the commission or repetition of that offence or investigating that offence.

*Delete if inapplicable.

1 This warrant authorises you, on any one occasion during the 14 days following the issue of this warrant, to—

- (a) enter and search the premises specified above, at any time of the day or night; and
- (b) use the assistance that is reasonable in the circumstances to enter and search the place; and
- (c) use the force that is reasonable in the circumstances to gain entry and to break open anything in, on, over, or under the place; and
- (d) search and seize any property or thing that you have reasonable grounds to believe is evidence of the commission of any offence to which this warrant relates.

2 This warrant is subject to the following special conditions:

[*set out any special conditions, or state “None specified”*].

Issued at [*place*].

.....
 (District Court Judge, Justice,
 Community Magistrate, or
 Registrar of a District Court
 who is not a member of the
 police)

 Date

Diane Morcom,
 for 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 come into force on 10 October 2003, prescribe the form of the search warrants required under sections 27 and 30 of the Prostitution Reform Act 2003.

Issued under the authority of the Acts and Regulations Publication Act 1989.
 Date of notification in *Gazette*: 11 September 2003.
 These regulations are administered in the Ministry of Justice.
