



Sentencing Amendment Regulations 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 27th day of August 2007

Present:

His Excellency the Governor-General in Council

Pursuant to section 147 of the Sentencing Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- Title**
These regulations are the Sentencing Amendment Regulations 2007.

2 Commencement

These regulations come into force on 1 October 2007.

3 Principal regulations amended

These regulations amend the Sentencing Regulations 2002.

4 New Schedule substituted

The Schedule is revoked and the Schedule set out in the Schedule of these regulations substituted.

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Schedule
New Schedule substituted

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Schedule
Forms
Form 1
Order for sentence of supervision
Section 45, Sentencing Act 2002

Case No:

To *[full name]* of *[address]*, *[occupation]*

At a sitting of the *[court and place]* this *[date]* you were sentenced to supervision for a period of *[specify period]* for *[offence]*.

The start date of the sentence is the date of this order.

You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours, after your sentence of supervision was imposed.

The standard conditions for supervision are set out in section 49 of the Sentencing Act 2002 (a list of which is attached to this form).

*In addition to the standard conditions for supervision, the Court imposed the following special conditions under sections 50 and 52 of the Sentencing Act 2002: *[specify special conditions]*.

*Delete if inapplicable.

Schedule—*continued*

Form 1—*continued*

Consequences of non-compliance

Failure to comply with the terms of this sentence, without reasonable excuse, may result in you being charged under section 70 of the Sentencing Act 2002 with an offence punishable by a maximum of 3 months’ imprisonment or a fine not exceeding \$1,000.

Variation or cancellation of sentence

You, or your probation officer, may apply under section 54 of the Sentencing Act 2002 for variation or cancellation of this sentence if you are unable to comply with its terms, or if one of the other grounds for variation or cancellation in that section applies.

Dated at the [*specify*] Court at [*place*] on [*date*].

.....
(Deputy) Registrar

Standard conditions of sentence of supervision

Section 49 of the Sentencing Act 2002 provides that the following conditions apply to every sentence of supervision:

- (a) the offender must report in person to a probation officer in the probation area in which the offender resides as soon as practicable, and not later than 72 hours, after the sentence is imposed:
- (b) the offender must report to the probation officer as and when required to do so by the probation officer, and must notify the officer of his or her residential address and the nature and place of his or her employment when requested to do so:
- (c) the offender must not move to a new residential address in another probation area without the prior written consent of a probation officer:
- (d) if consent is given under paragraph (c), the offender must report in person to a probation officer in the new probation area in which the offender is to reside as soon as practicable, and not later than 72 hours, after the offender’s arrival in the new area:

Schedule—*continued*Form 1—*continued*

- (e) if the offender intends to change his or her residential address within a probation area, the offender must give a probation officer reasonable notice before moving from his or her residential address (unless notification is impossible in the circumstances) and must advise the probation officer of the new address:
- (f) the offender must not reside at any address at which a probation officer has directed the offender not to reside:
- (g) the offender must not engage, or continue to engage, in any employment or occupation in which a probation officer has directed the offender not to engage or continue to engage:
- (h) the offender must not associate with any specified person, or with persons of any specified class, with whom a probation officer has, in writing, directed the offender not to associate:
- (i) the offender must take part in a rehabilitative and reintegration needs assessment if and when directed to do so by a probation officer.

The conditions in paragraphs (c) to (f) do not apply to the extent that they are inconsistent with—

- any special condition imposed by the court; or
- in the case of an offender who is also subject to a sentence of community detention, any condition of that sentence.

Schedule—*continued*

Form 2

Order for sentence of intensive supervision

Section 54B, Sentencing Act 2002

Case No:

To [*full name*] of [*address*], [*occupation*]

At a sitting of the [*court and place*] this [*date*] you were sentenced to intensive supervision for a period of [*specify period*] for [*offence*].

The start date of the sentence is the date of this order.

You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours, after your sentence of intensive supervision was imposed.

The standard conditions for intensive supervision are set out under section 54F of the Sentencing Act 2002 (a list of which is attached to this form).

*In addition to the standard conditions for intensive supervision, the Court imposed the following special conditions under sections 54G and 54I of the Sentencing Act 2002: [*specify special conditions*].

*Delete if inapplicable.

Consequences of non-compliance

Failure to comply with the terms of this sentence, without reasonable excuse, may result in you being charged under section 70A of the Sentencing Act 2002 with an offence punishable by a maximum of 6 months' imprisonment or a fine not exceeding \$1,500.

Variation or cancellation of sentence

You, or your probation officer, may apply under section 54K of the Sentencing Act 2002 for variation or cancellation of this sentence if you are unable to comply with its terms, or if one of the other grounds for variation or cancellation in that section applies.

Dated at the [*specify*] Court at [*place*] on [*date*].

.....
(Deputy) Registrar

Schedule—*continued*Form 2—*continued***Standard conditions of sentence of intensive supervision**

Section 54F of the Sentencing Act 2002 provides that the following conditions apply to every sentence of intensive supervision:

- (a) the offender must report in person to a probation officer in the probation area in which the offender resides as soon as practicable, and not later than 72 hours, after the sentence is imposed:
- (b) the offender must report to a probation officer at least once in each week during the first 3 months of the sentence, at least once in each month during the remainder of the sentence, and otherwise as and when required to do so by a probation officer:
- (c) the offender must notify a probation officer of his or her residential address and the nature and place of his or her employment when asked to do so:
- (d) the offender must not move to a new residential address in another probation area without the prior written consent of a probation officer:
- (e) if consent is given under paragraph (d), the offender must report in person to a probation officer in the new probation area in which the offender is to reside as soon as practicable, and not later than 72 hours, after the offender's arrival in the new area:
- (f) if an offender intends to change his or her residential address within a probation area, the offender must give a probation officer reasonable notice before moving from his or her residential address (unless notification is impossible in the circumstances) and must advise the probation officer of the new address:
- (g) the offender must not reside at any address at which a probation officer has directed the offender not to reside:
- (h) the offender must not engage, or continue to engage, in any employment or occupation in which a probation officer has directed the offender not to engage or continue to engage:
- (i) the offender must not associate with any specified person, or with persons of any specified class, with whom a probation officer has, in writing, directed the offender not to associate:

Schedule—*continued*Form 2—*continued*

- (j) the offender must take part in a rehabilitative and re-integrative needs assessment if and when directed to do so by a probation officer.

The conditions in paragraphs (d) to (g) do not apply if, and to the extent that, they are inconsistent with—

- any special condition imposed by the court; or
- in the case of an offender who is also subject to a sentence of community detention, any condition of that sentence.

Schedule—*continued*
Form 3
Order for sentence of community work
Section 55, Sentencing Act 2002

Case No:

To [full name] of [address], [occupation]

At a sitting of the [court and place] this [date] you were sentenced to [number] hours of community work for [offence].

*This sentence is cumulative on [specify cumulative sentences].

*Delete if inapplicable.

*The start date of the sentence is the date of this order or the expiry of any sentence this order is cumulative upon (if applicable).

*The start date of your sentence was deferred under section 57A of the Sentencing Act 2002. The start date of your sentence is [deferred start date].

*Delete whichever is inapplicable.

*The Court has authorised that the probation officer may direct that some of the hours of work ordered to be undertaken be instead spent in training in basic work and living skills.

*Delete if inapplicable.

*You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours, after your sentence of community work was imposed.

*You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours, after [deferred start date].

*Delete whichever is inapplicable.

During the course of your sentence, you must comply with the terms of the sentence, including that you must report to a probation officer at any time you are directed to do so.

You must work as directed by your probation officer until the completion of your sentence.

Schedule—*continued*Form 3—*continued***Consequences of non-compliance**

Failure to comply with the terms of this sentence, without reasonable excuse, may result in you being charged under section 71 of the Sentencing Act 2002 with an offence punishable by a maximum of 3 months' imprisonment or a fine not exceeding \$1,000.

Variation or cancellation of sentence

You, or your probation officer, may apply under section 68 of the Sentencing Act 2002 for variation or cancellation of this sentence if you are unable to comply with its terms, or if one of the other grounds for variation or cancellation in that section applies.

Dated at the [*specify*] Court at [*place*] on [*date*].

.....

(Deputy) Registrar

Notes:

- in accordance with section 58(1) and (2) of the Sentencing Act 2002,—
 - if your sentence requires you to perform community work of 100 hours or less, that sentence must be served within 6 months of the date that it commences:
 - if your sentence requires you to perform community work of more than 100 hours you must serve at least 100 hours in every 6-month period until the number of hours imposed under the sentence has been served:
- in accordance with section 60 of the Sentencing Act 2002, if you move to a new residential address, you must, within 72 hours, notify a probation officer of your new residential address:
- in accordance with section 64(3) of the Sentencing Act 2002, you are not required to work for more than 10 hours in succession, nor more than 40 hours in a week:

Schedule—*continued*Form 3—*continued*

- in accordance with section 66A of the Sentencing Act 2002, a Judge may permit a probation officer to direct that up to 20% of your community work hours be converted to basic work and living skills training. If you fail, without reasonable excuse, to complete the number of hours training in basic work and living skills directed, no hours spent in training are to be treated as hours of community work, and you will have to complete all of the hours of community work ordered:
- in accordance with section 66D of the Sentencing Act 2002, if you do not carry out your work to the satisfaction of a probation officer, the probation officer may refuse to count those hours of work as work undertaken under the sentence, up to a maximum of 10% of the total number of hours of community work ordered by the court:
- in accordance with section 67 of the Sentencing Act 2002, if a probation officer is satisfied that you have a good record of compliance with your sentence, the probation officer may remit up to 10% of the number of hours of community work imposed by the Court.

Schedule—*continued*
Form 4
Order for sentence of community detention
Section 69B, Sentencing Act 2002

Case No:

To *[full name]* of *[address]*, *[occupation]*

At a sitting of the *[court and place]* this *[date]* you were sentenced to community detention for a period of *[specify period]* for *[offence]*.

*This sentence is cumulative on *[specify cumulative sentences]*.

*Delete if inapplicable.

The start date of the sentence is the date of this order or the expiry of any sentence this order is cumulative upon (if applicable).

*You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 24 hours, after your sentence of community detention was imposed.

*If 24 hours would elapse on a weekend or public holiday.

*You must report to a probation officer in the probation area in which you reside on the next working day.

*Delete if inapplicable.

The sentence includes a curfew period or periods starting from *[curfew start date]*, to be spent at the curfew address, as specified below: *[specify curfew details]*.

The standard conditions of community detention are set out in section 69E of the Sentencing Act 2002 (a list of which is attached to this form).

Consequences of non-compliance

Failure to comply with the terms of this sentence, without reasonable excuse, may result in you being charged under section 69G of the Sentencing Act 2002 with an offence punishable by a maximum of 6 months' imprisonment or a fine not exceeding \$1,500.

Any person who refuses or fails, without reasonable excuse, to allow a probation officer to enter the curfew address at a time when you are required to be at the address, may be charged under section 69H of the Sentencing Act 2002 with an offence punishable by a maximum of 3 months' imprisonment or a fine not exceeding \$5,000.

Schedule—*continued*Form 4—*continued*

Any person who refuses or fails, without reasonable excuse, to allow an authorised person to enter the curfew address at any time for the purpose of servicing or inspecting the electronic monitoring equipment, may be charged under section 69H with an offence punishable by a maximum of 3 months' imprisonment or a fine not exceeding \$5,000.

Variation or cancellation of sentence

You, or your probation officer, may apply under section 69I of the Sentencing Act 2002 for variation or cancellation of this sentence if you are unable to comply with its terms, or if one of the other grounds for variation or cancellation in that section applies.

Dated at the [*specify*] Court at [*place*] on [*date*].

.....
(Deputy) Registrar

Standard conditions of sentence of community detention

Under section 69E of the Sentencing Act 2002, the following conditions apply to every sentence of community detention for the duration of the sentence:

- (a) during the curfew period the offender must not, at any time, leave the curfew address except in the following circumstances:
- to seek urgent medical or dental treatment; or
 - to avoid or minimise a serious risk of death or injury to the offender or any other person; or
 - with the approval of a probation officer (if the offender is also serving a sentence of supervision or intensive supervision)—
 - to seek or engage in employment; or
 - to attend training or other rehabilitative or reintegrative activities or programmes; or
 - to attend a restorative justice conference or other process relating to the offender's offending; or

Schedule—*continued*Form 4—*continued*

- to carry out any undertaking arising from any restorative justice process; or
 - with the approval of a probation officer and subject to any conditions imposed by the probation officer, on humanitarian grounds:
- (b) during the curfew period the offender is under the supervision of a probation officer and must co-operate with the probation officer and comply with any lawful direction given by that probation officer:
- (c) the offender must report in person to a probation officer in the probation area in which the offender resides as soon as practicable, and not later than 24 hours, after the sentence is imposed, unless the 24 hours elapses on a weekend or public holiday, in which case the offender must report on the next working day:
- (d) the offender must report to a probation officer as and when required to do so by the probation officer, and must notify the probation officer of his or her residential address, any change to that address, and the nature and place of his or her employment when asked to do so:
- (e) the offender must keep in his or her possession this curfew order and, if requested to do so by a member of the police or a probation officer, must produce the order for inspection:
- (f) the offender must, when required to do so by a probation officer, submit to the electronic monitoring of compliance with the conditions of his or her sentence, which may require the offender to be connected to electronic monitoring equipment throughout the sentence term and not just throughout the curfew period.

Schedule—*continued*

Form 5

Warrant to arrest offender

Section 72(3), Sentencing Act 2002

Case No:

To every member of the police

On the [date], [full name] of [address], [occupation] (the **offender**) was convicted of [specify offence] by the [court and place] and was sentenced to [supervision, or community work, or intensive supervision, or community detention, or home detention].

An application has been made under [section 54 or section 68 or section 54K or section 69I or section 80F] of the Sentencing Act 2002 for the [variation or cancellation] of the sentence.

I direct you to arrest the offender and bring the offender before the [court and place] as soon as possible to enable the application to be dealt with.

Dated at the [specify] Court at [place] on [date].

.....
Judge

Schedule—*continued*
Form 6
Order for sentence of home detention
Section 80A, Sentencing Act 2002

Case No:

To *[full name]* of *[address]*, *[occupation]*

At a sitting of the *[court and place]* this *[date]* you were sentenced to home detention for a period of *[specify period]* for *[offence]* to be served at the home detention residence at *[address]*.

*This sentence is cumulative on *[specify cumulative sentences]*.

*Delete if inapplicable.

*The start date of the sentence is the date of this order, or the expiry of any sentence this order is cumulative upon (if applicable).

*The start date of your sentence was deferred under section 80W of the Sentencing Act 2002. The start date of your sentence is *[deferred start date]*.

*Delete if inapplicable.

*You must go to and remain at the residence where the sentence is to be served immediately upon receiving this order, unless a probation officer has authorised you to be absent for a particular reason.

Or if sentence is deferred:

*You must go to and remain at the residence where the sentence is to be served on *[deferred start date]*, unless a probation officer has authorised you to be absent for a particular reason.

*Delete if inapplicable.

The standard conditions of home detention are set out in section 80C of the Sentencing Act 2002 (a list of which is attached to this form).

*In addition to the standard conditions for home detention, the Court imposed the following special conditions under section 80D of the Sentencing Act 2002: *[specify special conditions]*.

*Post-detention conditions apply or have been imposed by the Court under section 80N of the Sentencing Act 2002 (a list of which is attached to this form) and will apply to your home detention sentence for a period of *[duration]* from the detention end date.

Schedule—*continued*Form 6—*continued*

*In addition to the standard post-detention conditions the Court imposed the following special post-detention conditions under section 80O: [*specify special post-detention conditions*].

*Delete if inapplicable.

Consequences of non-compliance

Failure to comply with the terms of this sentence, without reasonable excuse, may result in you being charged under section 80S of the Sentencing Act 2002 with an offence punishable by a maximum of 1 year's imprisonment or a fine not exceeding \$2,000.

Any person who refuses or fails, without reasonable excuse, to allow a probation officer to enter the home detention residence at a time when you are required to be at the residence, may be charged under section 80T of the Sentencing Act 2002 with an offence punishable by a maximum of 3 months' imprisonment or a fine not exceeding \$5,000.

Any person who refuses or fails, without reasonable excuse, to allow an authorised person to enter the home detention residence at any time for the purpose of servicing or inspecting the electronic monitoring equipment, may be charged under section 80T of the Sentencing Act 2002 with an offence punishable by a maximum of 3 months' imprisonment or a fine not exceeding \$5,000.

Failure to comply with the post-detention conditions, without reasonable excuse, may result in your being charged under section 80T of the Sentencing Act 2002 with an offence punishable by a maximum of 6 months' imprisonment or a fine not exceeding \$1,500.

Variation or cancellation of sentence

You, or your probation officer, may apply under section 80F of the Sentencing Act 2002 for variation or cancellation of this sentence if you are unable to comply with its terms, or if one of the other grounds for variation or cancellation in that section applies.

Variation or discharge of post-detention conditions

You, or your probation officer, may apply under section 80Q of the Sentencing Act 2002 for variation or discharge of your post-detention conditions.

Schedule—*continued*

Form 6—*continued*

Dated at the [*specify*] Court at [*place*] on [*date*].

.....
(Deputy) Registrar

Standard conditions of sentence of home detention

Under section 80C of the Sentencing Act 2002, the following conditions apply to every sentence of home detention:

- (a) the offender is under the supervision of a probation officer and must co-operate with the probation officer and comply with any lawful direction given by that probation officer:
- (b) the offender must not leave the home detention residence at any time except in the circumstances set out in section 80C(3), (4), and (5) of the Sentencing Act 2002 (see below):
- (c) the offender must keep in his or her possession this order and, if requested to do so by a member of the police or a probation officer, must produce the order for inspection:
- (d) the offender must, when required by a probation officer, submit to the electronic monitoring of compliance with his or her detention conditions:
- (e) the offender must not engage, or continue to engage, in any employment or occupation in which a probation officer has directed the offender not to engage or continue to engage:
- (f) the offender must not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed the offender not to associate:
- (g) the offender must take part in a rehabilitative and re-integrative needs assessment if and when directed to do so by a probation officer.

Section 80C(3) of the Sentencing Act 2002 provides that the offender must not leave the home detention residence at any time except in the following circumstances:

- (a) to seek urgent medical or dental treatment:
- (b) to avoid or minimise a serious risk of death or injury to the offender or any other person; or
- (c) with the approval of a probation officer—

Schedule—*continued*Form 6—*continued*

- to comply with any special condition; or
- to seek or engage in employment; or
- to attend training or other rehabilitative or reintegrative activities or programmes; or
- to attend a restorative justice conference or other process relating to the offender's offending; or
- to carry out any undertaking arising from any restorative justice process; or
- for any other purpose specifically approved by the probation officer.

Section 80C(4) of the Sentencing Act 2002 provides that a probation officer may approve an alternative residence pending determination of an application to vary the home detention residence under section 80F.

Section 80C(5) of the Sentencing Act 2002 provides that a probation officer may authorise an offender, who has served three quarters of a sentence of 6 months or more, to be absent from the home detention residence for up to 4 hours per day without a specified purpose for any or all remaining days under the sentence.

Standard post-detention conditions of sentence of home detention

Section 80N of the Sentencing Act 2002 provides that the following conditions apply to every offender subject to post-detention conditions:

- (a) the offender must report to a probation officer as and when required to do so by a probation officer and must notify the probation officer of his or her residential address and the nature and place of his or her employment when asked to do so;
- (b) the offender must not move to a new residential address in another probation area without the prior written consent of the probation officer:

Schedule—*continued*Form 6—*continued*

- (c) if consent is given under paragraph (b), the offender must report in person to a probation officer in the new probation area in which the offender is to reside as soon as practicable, and not later than 72 hours, after the offender's arrival in the new area:
- (d) if an offender intends to change his or her residential address within a probation area, the offender must give the probation officer reasonable notice before moving from his or her residential address (unless notification is impossible in the circumstances) and must advise the probation officer of the new address:
- (e) the offender must not reside at any address at which a probation officer has directed the offender not to reside:
- (f) the offender must not engage, or continue to engage, in any employment or occupation in which the probation officer has directed the offender not to engage or continue to engage:
- (g) the offender must not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed the offender not to associate:
- (h) the offender must take part in a rehabilitative and reintegration needs assessment if and when directed to do so by a probation officer.

Schedule—*continued*

Form 7

Order for minimum period of imprisonment within determinate sentence or sentence of imprisonment for life

Sections 86 and 103, Sentencing Act 2002

[to be attached to warrant of commitment (form 9)]

To every member of the police and to the Manager of the prison at *[place]*

[Full name] of *[address]*, *[occupation]* (the **offender**), was, on *[date]*, convicted of *[specify offence]* by the *[specify]* Court at *[place]* and was this day (*or on [date]*) sentenced to—

*imprisonment for a term of *[specify period]*.

*imprisonment for life.

*Delete if inapplicable.

*I am satisfied that the period of imprisonment otherwise applicable to the offender’s determinate sentence under section 84(1) of the Parole Act 2002 is insufficient for all or any of the following purposes:

*I consider that the minimum term of imprisonment specified below is necessary to satisfy all or any of the following purposes:

- holding the offender accountable for the harm done to the victim and the community by the offending;
- denouncing the conduct in which the offender was involved;
- deterring the offender or other persons from committing the same or a similar offence;
- protecting the community from the offender.

*Delete if inapplicable.

The Court therefore orders, under section 86 *or* section 103 of the Sentencing Act 2002, that the offender must serve a minimum period of imprisonment of *[specify period]*.

Dated at the *[specify]* Court at *[place]* on *[date]*.

.....
Judge

Schedule—*continued*

Form 8

Order for minimum period of imprisonment within sentence
of preventive detention

Section 89, Sentencing Act 2002

[to be attached to warrant of commitment (form 9)]

To every member of the police and to the Manager of the prison at
[place]

[Full name] of [address], [occupation] (the **offender**), was, on
[date], convicted of [specify offence] by the [specify] Court at
[place] and was this day (or on [date]) sentenced to preventive
detention.

I have considered the matters referred to in section 89(2) of the
Sentencing Act 2002, and consider that a minimum period of impris-
onment of [specify period] is appropriate.

The Court orders, under section 89 of the Sentencing Act 2002, that
the offender serve a minimum period of imprisonment of [specify
period].

Dated at the [specify] Court at [place] on [date].

.....

Judge

Schedule—*continued*

Form 9

Warrant of commitment for sentence of imprisonment

Section 91, Sentencing Act 2002

Case No:

To every member of the police and to the Manager of [*specify prison*]

[*Full name*] of [*address*], [*occupation*] (the **offender**) was on the [*date*] convicted of [*specify offence*] by the [*court and place*] and was sentenced in [*court and place*] this [*date*] to—

*imprisonment for a term of [*specify period*].

*imprisonment for a term of [*specify period*], cumulative on [*specify cumulative sentences*].

*imprisonment for life.

*preventive detention.

*Delete if inapplicable.

*The offender has been granted leave to apply to the court for cancellation of the sentence of imprisonment and substitution of a sentence of home detention if the offender finds a suitable residence.

*Delete if inapplicable.

Start date of sentence

*The start date of the sentence is the date of this order or the expiry of any sentence this order is cumulative upon (if applicable).

*The start date of the sentence was deferred under section 100 of the Sentencing Act 2002. The start date of the sentence is [*deferred start date*].

*Delete whichever is inapplicable.

Legal representation

*The offender was legally represented (as contemplated by section 30(1) of the Sentencing Act 2002) at the stage of the proceedings at which the offender was at risk of conviction.

Schedule—*continued*

Form 9—*continued*

*The offender was not legally represented (as contemplated by section 30(1) of the Sentencing Act 2002) at the stage of the proceedings at which the offender was at risk of conviction but the Court was satisfied, in accordance with section 30(2) of the Sentencing Act 2002, that the offender refused or failed to exercise his or her rights relating to legal representation (or engaged counsel but subsequently dismissed him or her).

*Delete whichever is inapplicable.

You, the members of the police, are directed to deliver the offender to the manager of [*specify prison*].

And you, the Manager, are directed to receive the offender into your control and to detain the offender for the purposes of the sentence.

Release conditions imposed by the Court

*The offender is a person to whom section 93(1) of the Sentencing Act 2002 applies, and the Court imposed—

- *(a) the standard release conditions set out in section 14 of the Parole Act 2002, which expire on [*date*];
- *(b) the special conditions listed below, which expire on [*date*].
- *(c) [*list special conditions*]

*The offender was a person to whom section 93(2) of the Sentencing Act 2002 applies, and—

- *(a) the standard release conditions set out in section 14 of the Parole Act 2002 apply until they expire on [*specify*];
- *(b) the special conditions listed below apply until they expire on [*specify*].
- *(c) [*list special conditions*]

*Delete if inapplicable.

Dated at the [*specify*] Court at [*place*] on [*date*].

.....
Judge

Schedule—*continued*

Form 9—*continued*

Period spent on remand

The period spent by the offender in control on remand is specified for the purpose of section 92 of the Parole Act 2002 as [*number*] days.

Dated at the Prison at [*place*] on [*date*].

.....

Manager

Schedule—*continued*

Form 10

Summons to offender subject to an order to come up for sentence if called on

Section 111(3)(a), Sentencing Act 2002

To *[full name]* of *[address]*, *[occupation]*

On *[date]* you were convicted of *[offence]* (the **original offence**), and ordered to come up for sentence if called on within *[specify period]* months.

On *[date]*, an application was made for you to be brought before this Court to be dealt with for the original offence on the following ground(s):

*That, on *[date]*, you were convicted by the Court at *[place]* of *[offence]*, being an offence punishable by imprisonment for a term of more than 3 months.

*That you have failed to comply with an order made by the Court under section 110(3) of the Sentencing Act 2002.

*That you failed to comply with an agreement or failed to take any measure or action of a kind referred to in section 10(1)(b), (d), or (e) of the Sentencing Act 2002 that was brought to the attention of the Court at the time the Court made the order under section 110 of the Sentencing Act 2002.

*Delete if inapplicable.

You are summoned to appear on *[date and time]* in *[specify]* Court at *[place]* to show cause why you should not be dealt with for the original offence.

Dated at the *[specify]* Court at *[place]* on *[date]*.

.....

(Deputy) Registrar

Schedule—*continued*

Form 11

Warrant to arrest offender subject to an order to come up for sentence if called on

Section 111(3)(b) or (c), Sentencing act 2002

To every member of the police

On [*date*], [*full name*] of [*address*], [*occupation*] (the **offender**), was convicted of [*specify offence*] (the **original offence**), and ordered to come up for sentence if called on within [*specify period*].

*On [*date*], a summons was issued to the offender requiring the offender to appear in this Court on [*date*] to show cause why the offender should not be dealt with for the original offence, but the offender failed to appear before this Court in answer to the summons.

*On [*date*], an application was made for the offender to be brought before this Court to be dealt with for the original offence.

*Delete if inapplicable.

You are directed to arrest the offender and have the offender brought before this Court so that the offender may show cause why the offender should not be dealt with for the original offence.

Dated at the [*specify*] Court at [*place*] on [*date*].

.....

Judge

Schedule—*continued*

Form 12

Warrant for confiscation of motor vehicle

Section 132(2), Sentencing Act 2002

To every constable and every bailiff, and to the Registrar of the [specify] Court at [place]

[Full name] of [address], [occupation] (the **offender**), was, on [date], convicted of [specify offence] by the [specify] Court at [place].

On [date], an order was made by the [specify] Court at [place] for the confiscation of the following motor vehicle in which the offender has an interest:

Make and model of vehicle: [specify].

Year of first registration: [specify].

Registration number: [specify].

Under the confiscation order, the offender was required to surrender the motor vehicle to a constable or baliff or the Registrar at [place] on [date and time].

The offender has failed to surrender the motor vehicle.

I direct you, unless the motor vehicle is sooner surrendered to a constable or baliff or the Registrar, to seize the motor vehicle and to deliver it into the custody of the Registrar of the [specify] Court at [place].

Dated at the [specify] Court at [place] on [date].

.....
Judge

Martin Bell,
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 1 October 2007, substitute a new Schedule of the Sentencing Regulations 2002 (which sets out forms for use under the Sentencing Act 2002). New forms are prescribed for the new sentences of intensive supervision, community detention, and home detention, and existing forms are revised.

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These regulations are administered by the Ministry of Justice and the Department of Corrections.
