



SUMMARY PROCEEDINGS AMENDMENT REGULATIONS 1997

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 1st day of December 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 212 of the Summary Proceedings Act 1957, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Summary Proceedings Amendment Regulations 1997, and are part of the Summary Proceedings Regulations 1958* (“the principal regulations”).

(2) These regulations come into force on 1 January 1998.

*S.R. 1958/38 (Reprinted with Amendments Nos. 1 to 9: S.R. 1980/84)

Amendment No. 10: *(Revoked by S.R. 1987/311)*

Amendment No. 11: *(Revoked by S.R. 1987/311)*

Amendment No. 12: *(Revoked by S.R. 1987/311)*

Amendment No. 13: S.R. 1985/231

Amendment No. 14: *(Revoked by S.R. 1988/37)*

Amendment No. 15: S.R. 1987/211

Amendment No. 16: S.R. 1987/311

Amendment No. 17: *(Revoked by S.R. 1991/189)*

Amendment No. 18: S.R. 1989/12

Amendment No. 19: S.R. 1991/189

Amendment No. 20: S.R. 1992/70

Amendment No. 20: S.R. 1992/141

Amendment No. 21: S.R. 1993/81

Amendment No. 22: S.R. 1993/150

Amendment No. 23: S.R. 1993/252

Amendment No. 24: S.R. 1993/314

Amendment No. 25: S.R. 1996/26

Amendment No. 26: S.R. 1996/154

2. Fees, allowances, and expenses—Regulation 4 of the principal regulations is amended by inserting, after subclause (1), the following subclause:

“(1A) The fees prescribed by these regulations are inclusive of goods and services tax.”

3. Default in payment of sum adjudged to be paid on conviction—Regulation 15k (1) of the principal regulations (as inserted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 16) is amended by omitting the expression “\$90” (as substituted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 20), and substituting the expression “\$100”.

4. Court fees—The principal regulations are amended by revoking the Second Schedule, and substituting the Second Schedule set out in the Schedule.

5. Revocations—(1) The following regulations are consequentially revoked:

(a) The Summary Proceedings Regulations 1958, Amendment No. 19*:

(b) The Summary Proceedings Regulations 1958, Amendment No. 20†.

(2) In respect of proceedings commenced before the date on which these regulations come into force, no further fee specified in the Second Schedule of the principal regulations as in force before that date is payable, and the appropriate fees, if any, set out in that schedule, as substituted by these regulations, are payable in respect of any step taken on or after that date.

*S.R. 1991/189
†S.R. 1992/141

Reg. 3

SCHEDULE

NEW SECOND SCHEDULE OF PRINCIPAL REGULATIONS

“SECOND SCHEDULE

	Court Fees	\$
(1) Filing any information or any notice of prosecution	...	30
(2) Filing any copy of a reminder notice in respect of an infringement offence	25
(3) Hearing any information or charge	100
(4) Copy of proceedings or judgment (other than a copy supplied to a party to the proceedings)—		
(a) Not exceeding 5 pages	15
(b) Exceeding 5 pages but not exceeding 50 pages	30
(c) Exceeding 50 pages but not exceeding 75 pages	40
(d) Exceeding 75 pages	50
(5) Certified copy of entry in criminal records	30
(6) Application for removal of disqualification or for partial exemption from disqualification under the Transport Act 1962		140

SCHEDULE—*continued*NEW SECOND SCHEDULE OF PRINCIPAL REGULATIONS—*continued*“SECOND SCHEDULE—*continued*”

- (7) For faxing documents at the request of a party (except where documents have to be faxed for operational reasons), \$2.00 plus, per page faxed, \$1.00

NOTE—(1) Where under an enactment several offences are charged in 1 information (not being offences charged in the alternative), the fees to be taken are to be assessed as if a separate information had been laid in respect of each offence charged.

(2) The fees prescribed by these regulations are not to be taken in proceedings under the Family Proceedings Act 1980, or in proceedings by way of complaint or in proceedings under Part V of the Summary Proceedings Act 1957.”

DIANE WILDERSPIN,
Acting 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 January 1998, amend the Summary Proceedings Regulations 1958 by prescribing increased Court fees payable in relation to criminal proceedings in District Courts. The matters for which fees are charged have not been changed.

Examples of increases of commonly charged fees are—

- The fee for filing an information or a notice of prosecution is increased from \$25 to \$30:
- The fee for hearing an information or charge is increased from \$70 to \$100:
- The fee for a certified copy of entry in the Court’s criminal records is increased from \$25 to \$30.

The fees prescribed by these regulations are inclusive of goods and services tax.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 4 December 1997.

These regulations are administered in the Department for Courts.