



**THE SUMMARY PROCEEDINGS REGULATIONS 1958,
AMENDMENT NO. 10**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 23rd day of March 1981

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to the Summary Proceedings Act 1957, 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 Summary Proceedings Regulations 1958, Amendment No. 10, and shall be read together with and deemed part of the Summary Proceedings Regulations 1958* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1981.

2. Warrant of distress where immediate execution directed—Form 23 in the First Schedule to the principal regulations is hereby amended by omitting the words “(Borstal Institution)”.

***S.R. 1958/38**

- Amendment No. 1: (*Revoked by S.R. 1967/251*)
- Amendment No. 2: (*Revoked by S.R. 1965/116*)
- Amendment No. 3: S.R. 1965/116
- Amendment No. 4: (*Revoked by S.R. 1974/136*)
- Amendment No. 5: (*Revoked by S.R. 1977/93*)
- Amendment No. 6: S.R. 1970/52
- Amendment No. 7: S.R. 1974/136
- Amendment No. 8: S.R. 1977/93
- Amendment No. 9: S.R. 1978/195

3. Notice of conviction—Form 26 in the First Schedule to the principal regulations is hereby amended—

- (a) By omitting from clause 3 (g) the words “detention in a detention centre”, and substituting the words “corrective training”;
- (b) By omitting from clause 3 (i) the words “released on probation with a direction to undertake community work”, and substituting the words “sentenced to community service”.

4. Non-payment of fine—(1) Form 32F in the First Schedule to the principal regulations (as substituted by regulation 3 (1) (f) of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended—

- (a) By omitting from the heading the words “DETENTION IN A DETENTION CENTRE, PERIODIC DETENTION, OR PROBATION FOR NON-PAYMENT OF FINE”, and substituting the words “CORRECTIVE TRAINING, PERIODIC DETENTION, OR COMMUNITY SERVICE”;
- (b) By omitting from the third paragraph the words “detention in a detention centre or make an order for your periodic detention or for your release on probation with a direction to undertake community work”, and substituting the words “corrective training or community service or make an order for your periodic detention”.

(2) Form 32G in the First Schedule to the principal regulations (as substituted by regulation 3 (1) (f) of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended by omitting from the third paragraph the words “detention in a detention centre or make an order for his periodic detention or for his release on probation with a direction to undertake community work”, and substituting the words “corrective training or community service or make an order for his periodic detention”.

5. Order for periodic detention for non-payment of fine—The First Schedule to the principal regulations is hereby amended by inserting, after Form 32c (as substituted by regulation 3 (1) (f) of the Summary Proceedings Regulations 1958, Amendment No. 7), the Form 32H set out in the Schedule to these regulations.

SCHEDULE

NEW FORM INSERTED IN PRINCIPAL REGULATIONS

Form 32H

C.R. No.

ORDER FOR PERIODIC DETENTION

(For Non-payment of a Fine)

Section 100 (3) (c), Summary Proceedings Act 1957

WHEREAS of [*Occupation*] (hereinafter called the defendant) was on the day of 19..... convicted of by the District Court at and was ordered to pay the sum of and the sum of for And (part of) the fine has not been paid:

And Whereas on the defendant's appearance before me pursuant to section 100 (3) (c) of the Summary Proceedings Act 1957 the defendant was this day sentenced to periodic detention for a term of* (to be followed by a period of probation).

PURSUANT to the Summary Proceedings Act 1957 it is hereby ordered—

1. That the defendant report at Work Centre [*Address*] at o'clock a.m. (p.m.) onday theday of 19..... and thereafter on occasions in each week during the said term (*or* on such number of occasions in each week during the said term as may from time to time be specified by the Warden of the Centre).

2. That the defendant place himself in the custody of the Warden of that Centre for hours on each such occasion (*or* for hours on such occasion(s) and hours on such occasion(s)).

*3. That on the termination of the term of periodic detention the defendant shall be on probation for a period of on the statutory conditions referred to in section 12 of the Criminal Justice Amendment Act 1962 and on the following additional conditions, namely:

*And it is hereby declared that the following additional fines owing by the defendant were taken into account in imposing sentence:

Dated this day of 19....., at the District Court at

.....
Judge.

*Delete if inapplicable

P. G. MILLEN,
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 are made pursuant to the Summary Proceedings Act 1957 and amend the Summary Proceedings Regulations 1958.

They amend certain forms, and insert a new form, in the principal regulations, consequential upon the abolition of borstal training and detention in a detention centre, the introduction of corrective training and community service, and changes in the Court's powers to order periodic detention for non-payment of a fine.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*. 26 March 1981.

These regulations are administered in the Department of Justice.