



**THE SUMMARY PROCEEDINGS REGULATIONS 1958,  
AMENDMENT NO. 11**

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DAVID BEATTIE, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 10th day of August 1981

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to paragraphs (a) and (b) of section 212 (2) of 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.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Summary Proceedings Regulations 1958, Amendment No. 11, and shall be read together with and deemed part of the Summary Proceedings Regulations 1958\* (hereinafter referred to as the principal regulations).

(2) Regulations 2, 4, and 5 of these regulations, and the Second Schedule to these regulations, shall come into force on the 17th day of August 1981.

(3) Except as provided in subclause (2) of this regulation, these regulations shall come into force on the 1st day of November 1981.

**2. Default in payment of sum adjudged to be paid on conviction**—(1) Regulation 15H (1) of the principal regulations (as inserted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended by omitting the expression "\$20" (as substituted by regulation 2 (1) of the Summary Proceedings Regulations 1958, Amendment No. 9), and substituting the expression "\$30".

(2) The First Schedule to the principal regulations is hereby consequentially amended—

- (a) By omitting from form 26 (as substituted by regulation 3 (1) (f) of the Summary Proceedings Regulations 1958, Amendment No. 7) the expression "\$20" (as substituted by regulation 2 (2) (a) of the Summary Proceedings Regulations 1958, Amendment No. 9), and substituting the expression "\$ . . .":
- (b) By omitting from form 28 (as substituted by regulation 3 (1) (f) of the Summary Proceedings Regulations 1958, Amendment No. 7) the expression "20.00" (as substituted by regulation 2 (2) (b) of the Summary Proceedings Regulations 1958, Amendment No. 9), and substituting ". . . . .":
- (c) By omitting from form 29 (as substituted by regulation 3 (1) (f) of the Summary Proceedings Regulations 1958, Amendment No. 7) the expression "20.00" (as substituted by regulation 2 (2) (c) of the Summary Proceedings Regulations 1958, Amendment No. 9), and substituting ". . . . .".

**3. New forms prescribed relating to minor traffic offences**—The First Schedule to the principal regulations is hereby amended by inserting, after form 9B (as inserted by regulation 4 (1) (b) of the Summary Proceedings Regulations 1958, Amendment No. 8), the forms set out in the First Schedule to these regulations.

**4. Court fees**—The principal regulations are hereby amended by revoking the Second Schedule (as substituted by regulation 3 (1) of the Summary Proceedings Regulations 1958, Amendment No. 9), and substituting the Second Schedule set out in the Second Schedule to these regulations.

**5. Revocation**—The Summary Proceedings Regulations 1958, Amendment No. 9 are hereby consequentially revoked.

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SCHEDULES

Reg. 3

FIRST SCHEDULE  
NEW FORMS INSERTED IN PRINCIPAL REGULATIONS

Form 10

NOTICE OF TRAFFIC PROSECUTION

Section 21, Summary Proceedings Act 1957

[Front]

NOTICE OF TRAFFIC PROSECUTION			Notice Number
Name:	Forenames	Surname	Driver's Licence Number:
	Address:		Coupon Issued by:
		Occupation:	Date of Birth:

TAKE NOTICE THAT I ALLEGE THAT THE PERSON NAMED ABOVE DID COMMIT A MINOR TRAFFIC OFFENCE

ON	Road/Street:					
AT	Locality:	ON	Date:	AT	Time:	Being an offence against
*Section or *Regulation		*Transport Act 1962	*Motor Drivers Regulations 1964	*Heavy Motor Vehicle Regulations 1974		
		*Traffic Regulations 1976	*Motorways Regulations 1950	*Motor Vehicles Registration and Licensing Regulations 1965		
		Other				

IN THAT HE/SHE

The facts on which I base my allegation are		Vehicle Make	Vehicle Type	Reg. No.	WoF. Cof.							
Road	Visibility		Traffic		Information Relating to Alleged Speeding Offence (If applicable)							
*Wet	*Dry	*Good	*Fair	*Poor	*Light	*Medium	*Heavy	Speed Alleged km/h	Checked by Microwave	*Yes/ No	*Calibration Correct	Yes
SUMMARY OF FACTS (and other relevant matters)							Proof of this offence could result in demerit points being recorded against you					

<p align="center"><b>HEARING PROCEDURE</b></p> <p>District Court Location .....</p> <p>Date .....</p> <p>UNLESS you advise the REGISTRAR of the DISTRICT COURT at the location shown in this panel—IN WRITING—before the date shown in this panel that you wish to APPEAR BEFORE THE COURT either to DENY THE ALLEGATION or for any other purpose, you may be dealt with on the basis of the summary of facts as if you had appeared before the Court and pleaded guilty.</p>	<p>I certify that I believe that I have just cause for my allegation and that, to the best of my knowledge and belief, the summary of facts and other particulars relating to the offence or to the defendant are true and correct</p> <p>Dated this ..... day of ..... 19.....</p> <p>..... Informant</p> <p>.....</p> <p>Full name of informant                      Designation</p>	<p>NOTICE NUMBER</p>
<p>PLEASE READ THE SUMMARY OF RIGHTS ON THE BACK OF THIS NOTICE</p>		

\*Delete, insert, or indicate where appropriate.

FIRST SCHEDULE—*continued*

Form 10

[Back]

STATEMENT OF RIGHTS OF DEFENDANT

[NOTE: The location of the Court handling this matter is set out on the front of this notice in the panel headed HEARING PROCEDURE.

If you wish to write to the Registrar of the Court in accordance with paragraph 2 or paragraph 3 below, you **MUST** make sure that your letter reaches him before the date shown in that panel.

When writing or making inquiries, please quote the notice number shown in the top right-hand corner of the front of this document and the date shown in the panel headed HEARING PROCEDURE.

**IF YOU FAIL TO DO SO, THE COURT MAY NOT BE ABLE TO ASSOCIATE YOUR LETTER OR INQUIRY WITH THE DOCUMENTS RELATING TO YOUR CASE.]**

(1) **YOU HAVE BEEN CHARGED WITH AN OFFENCE.**

(2) **IF YOU WISH TO DENY THE CHARGE OR TO APPEAR BEFORE THE COURT** for that or any other purpose related to the alleged offence you **MUST** send written advice to that effect to the Registrar of the Court.

(3) **IF YOU WISH TO PLEAD GUILTY** to the charge, you may do so in writing addressed to the Registrar of the Court. In your letter you may state any circumstances you wish the Court to consider relating to the offence or to any penalty the Court may impose.

(4) **IF YOU DO NOTHING** by the date referred to above, the Court may deal with you as if you had appeared in Court and pleaded guilty. A notice of the Court's decision will be sent to you.

**PENALTY**

If the charge against you is proved, the Court may, as well as imposing a fine and requiring you to pay costs, disqualify you from holding or obtaining a driver's licence for such period as the Court thinks fit. However, the Court may only do this if—

- (a) You are summoned to appear before the Court; and
- (b) The Court considers that the offence relates to road safety.

[NOTE: If you are in doubt, you should consult a solicitor or the Registrar immediately.

The office hours of the Court are .....  
Please notify the Registrar if you change your address.]



FIRST SCHEDULE—continued

Form 10A

C.R. No. ....

NOTICE OF TIME AND PLACE OF HEARING

Section 21 (8), Summary Proceedings Act 1957

To: [Set out full name and address of  
defendant.]

District Court: .....  
Occupation: .....  
Date of Birth: .....

[Full name of informant], of [Address, capacity in which acting] has filed a notice of traffic prosecution, signed by him on the ..... day of ..... 19... alleging that you the said [Full name of defendant] did on the ..... day of ..... 19... at ..... commit an offence against [Here set out enactment and provision applicable] in that you [Here set out brief details of the offence.]

\*You have indicated that you intend to plead not guilty.

\*You have indicated that you wish to appear before the Court. \* [Enter whichever is applicable]

\*A District Court Judge has since directed that this notice be posted to you.

Therefore, you are advised that the alleged offence will be heard by the District Court at ..... on the ..... day of ..... 19... at ..... a.m./p.m. and you are required to attend that Court at that time.

(Deputy) Registrar.

[NOTE: DISQUALIFICATION: You are advised that if the charge against you is proved, the Court may disqualify you from holding or obtaining a driver's licence.

If you are in doubt, you should consult a solicitor or the Registrar immediately.

The office hours of the Court are .....

Please notify the Registrar if you change your address.

When writing or making inquiries, please quote the C.R. number shown in the top right-hand corner of this document.]



## SECOND SCHEDULE

Reg. 4

## NEW SECOND SCHEDULE TO PRINCIPAL REGULATIONS

## "SECOND SCHEDULE

## COURT FEES

	\$
(1) Filing any information or any notice of prosecution ...	8.00
(2) Hearing any information or charge ... ..	12.00
(3) Copy of proceedings, per page of double spaced type—	
When typed ... ..	2.00
When reproduced by photographic or other copying	
process ... ..	1.00
or in either case such lower fee as is fixed by the Registrar	
as reasonable in special circumstances	
(4) Certified copy of entry in criminal records ... ..	2.00
(5) Application for removal of disqualification or for partial	
exemption from disqualification under the Transport Act	
1962 ... ..	20.00

Note—(1) Where pursuant to any enactment several offences are charged in the one information (not being offences charged in the alternative), the fees to be taken shall be assessed as if separate informations had been laid in respect of the several offences charged.

(2) The foregoing fees are not to be taken in proceedings under the Domestic Proceedings Act 1969, or in proceedings by way of complaint or in proceedings under Part V of the Summary Proceedings Act 1957."

C. J. HILL,

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 prescribe 2 new forms for the new procedure, introduced by section 16 of the Transport Amendment Act 1980, relating to minor traffic offences. They also increase the fees payable under the principal regulations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 August 1981.

These regulations are administered in the Department of Justice.