



**THE SUMMARY PROCEEDINGS REGULATIONS 1958,
AMENDMENT NO. 13**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 16th day of September
1985

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, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Summary Proceedings Regulations 1958, Amendment No. 13, 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 October 1985.

2. Order for detention in psychiatric hospital pending trial—Regulation 15A of the principal regulations (as inserted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended by revoking subclause (2).

3. Persons present at inquiry—Regulation 15D of the principal regulations (as inserted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended by adding, as subclause (2), the following subclause:

*S.R. 1958/38 (Reprinted with Amendments Nos. 1 to 9: S.R. 1980/84)
Amendment No. 10: S.R. 1981/78
Amendment No. 11: S.R. 1981/228
Amendment No. 12: S.R. 1984/300

“(2) Notwithstanding anything in subclause (1) of this regulation, where, pursuant to section 25 (2) of the Criminal Justice Act 1985, the Registrar conducts an inquiry into the offender’s means without examining the offender in person, the only persons entitled to be present at the inquiry shall be the Registrar and any officer of the Court assisting the Registrar.”

4. Forms—(1) Form 9A in the First Schedule to the principal regulations (as inserted by regulation 3 (1) (c) of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended by omitting from clause (3) (c) of the Notice to Defendant of His Rights the words “section 42 of the Criminal Justice Act 1954”, and substituting the words “section 19 of the Criminal Justice Act 1985”.

(2) Form 26 in the First Schedule to the principal regulations is hereby amended by revoking the first sentence of clause 3, and substituting the following sentences:

“If you do not pay the sum owing within 28 days after the day on which you were sentenced or within such further time as may be allowed by the Court or Registrar there will be an inquiry into your means. Except in cases where the inquiry is conducted on the basis of papers held at the Court, you will receive a summons requiring you to attend personally before the Court for examination as to your means.”

(3) The First Schedule to the principal regulations is hereby further amended by revoking form 32H (as inserted by regulation 5 of the Summary Proceedings Regulations 1958, Amendment No. 10), and substituting the forms 32H to 32J set out in the Schedule to these regulations.

(4) Regulation 5 of the Summary Proceedings Regulations 1958, Amendment No. 10, and the Schedule to those regulations, are hereby consequentially revoked.

SCHEDULE

Reg. 4 (3)

FORMS SUBSTITUTED 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

Section 40 (2), Criminal Justice Act 1985

WHEREAS [Full name], of [Address], [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 Whereas (part of) the sum of money has not been paid:

And Whereas on the defendant's appearance before the Court the defendant was this day sentenced pursuant to section 100 (3) (c) of the Summary Proceedings Act 1957 to periodic detention for a term of

NOW PURSUANT TO section 40 (2) of the Criminal Justice Act 1985, the Court has ordered as follows:

1. That the defendant shall report at the Work Centre at o'clock a.m. (p.m.) on the day of 19.....
2. That thereafter the offender shall report at that work centre—
 - *(a) On occasions in each week during the sentence:
 - *(b) On one occasion in each week during the sentence and on such other occasions or occasion in each week as the Warden may from time to time specify:
 - *(c) On such number of occasions in each week during the sentence as the Warden may from time to time specify.
3. That the maximum duration of each period of custody shall be hours.†

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

(Deputy) Registrar.

*Delete whichever are inapplicable.

†Section 40 (3) of the Criminal Justice Act 1985 provides that no period of custody shall be longer than 9 hours, and the aggregate in any week shall not exceed 15 hours.

SCHEDULE—*continued*

Form 32i

C.R. No.

ORDER FOR COMMUNITY SERVICE

(For Non-payment of a Fine)

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

WHEREAS [Full name], of [Address], [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 Whereas (part of) the sum of money has not been paid:
on the defendant's appearance before the Court the defendant was this day sentenced pursuant to section 100 (3) (c) of the Summary Proceedings Act 1957 to community service for hours:

Dated at the District Court at this day of 19.

(Deputy) Registrar.

Note: Section 32 (2) of the Criminal Justice Act 1985 requires the defendant to report to the Supervising Officer within 72 hours after the sentence of community service is imposed.

SCHEDULE—*continued*

Form 32j

C.R. No.

WARRANT OF COMMITMENT FOR CORRECTIVE TRAINING

(For Non-payment of Fine)

Section 100 (3) (c), Summary Proceedings Act 1957
Section 143, Criminal Justice Act 1985

TO: Every constable, and to the Superintendent of the Corrective Training Institution at

WHEREAS [Full name], of [Address], [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 Whereas (part of) the sum of money has not been paid:

And Whereas on the defendant's appearance before the Court pursuant to section 100 (3) (c) of the Summary Proceedings Act 1957 the defendant was this day sentenced to corrective training:

NOW PURSUANT TO section 143 of the Criminal Justice Act 1985, you, the said constables, are hereby directed to deliver the defendant to the Superintendent of the Corrective Training Institution at

And you, the said Superintendent, are hereby directed to receive the defendant into your custody and to detain the defendant for the purposes of the sentence.

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

Judge.

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.

The amendments are of an administrative nature only, and are consequential upon the enactment of the Criminal Justice Act 1985.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 19 September 1985.
These regulations are administered in the Department of Justice.