



**THE SUMMARY PROCEEDINGS REGULATIONS 1958,
AMENDMENT NO. 21**

—

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of April 1993

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

PURSUANT to section 212 of the Summary Proceedings Act 1957, Her 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. 21, 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 day after the date of their notification in the *Gazette*.

*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: S.R. 1988/37

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

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

Amendment No. 20: S.R. 1992/70; S.R. 1992/141

2. Form 5B—Form 5B in the First Schedule to the principal regulations (as inserted by regulation 3 of the Summary Proceedings Regulations 1958, Amendment No. 18) is hereby amended by omitting the paragraph “Being a person . . . against section 58 (1) (b) of the Transport Act 1962)” (as set out in the second box marked with an asterisk), and substituting the following paragraph:

“Being a person under 20 years of age, *drove [* attempted to drive] a motor vehicle on a road while the proportion of alcohol in your breath, as ascertained by an evidential breath test, exceeded 150 micrograms of alcohol per litre of breath in that it was . . . micrograms of alcohol per litre of breath (being a summary offence against section 58 (1) (f) of the Transport Act 1962).”

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulation, but is intended to indicate their general effect.

These regulations, which come into force on the day after the date of their notification in the *Gazette*, amend Form 5B in the First Schedule to the Summary Proceedings Regulations 1958.

Form 5B is the form of a traffic summons to a defendant charged with a breath-alcohol offence under section 58 of the Transport Act 1962. The amendment is consequential upon section 15 of the Transport Amendment Act (No. 3) 1992 and updates the form by removing a reference to a provision repealed by section 15, and substituting a reference to the new offence relating to a person under 20 years of age who drives or attempts to drive a motor vehicle while the proportion of alcohol in his or her breath exceeds 150 micrograms of alcohol per litre of breath (section 58 (1) (f)). Section 15 came into force on 1 April 1993.

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

Date of notification in *Gazette*: 15 April 1993.

These regulations are administered in the Department of Justice.