



**THE SUMMARY PROCEEDINGS REGULATIONS 1958,  
AMENDMENT NO. 26**

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MICHAEL HARDIE BOYS, Governor-General

**ORDER IN COUNCIL**

At Wellington this 10th day of June 1996

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.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Summary Proceedings Regulations 1958, Amendment No. 26, 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 July 1996.

**2. Interpretation**—Regulation 2 of the principal regulations is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“‘Domestic violence’ has the same meaning as in section 3 of the Domestic Violence Act 1995:

“‘Domestic violence offence’ means an offence against any enactment (other than the Domestic Violence Act 1995) in any case where—

“(a) The offence is committed—

“(i) By a person against whom a protection order is in force, or in respect of whom proceedings on an application for a protection order are pending, at the time the offence is committed; and

“(ii) Against any person who is a protected person (within the meaning of that Act) under that protection order, or whom that application seeks to make a protected person, as the case may be; and

“(b) The offence consists of or includes conduct that is domestic violence:

“‘Protection order’ has the same meaning as in section 2 of the Domestic Violence Act 1995; and includes any order that is deemed, by section 133 (3) of that Act, to be a protection order:

“‘Relevant Court’, in relation to a protection order, means the Court in which the protection order was made; and includes a Court in which proceedings on an application for a protection order are pending.”.

**3. New regulations inserted**—The principal regulations are hereby amended by inserting, after regulation 15P (as substituted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 16), the following regulations:

**“15Q. Transmission of criminal record relating to breach of protection order**—(1) Where a defendant against whom a protection order is in force is convicted of an offence against section 49 of the Domestic Violence Act 1995, the Registrar of the Court in which that conviction is entered shall, without delay, forward a certified copy of the entry in the Criminal Records relating to that conviction to the Registrar of the relevant Court.

\*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. 1985/291  
 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

“(2) On receiving the copy, the Registrar of the relevant Court shall cause the copy to be placed on the file relating to the protection order.

“15R. **Transmission of criminal record relating to other offences involving domestic violence**—(1) Where a defendant is convicted of a domestic violence offence, a District Court Judge or Justice may direct the Registrar of the Court in which that conviction is entered to forward, without delay, a certified copy of the entry in the Criminal Records relating to that conviction to the Registrar of the relevant Court.

“(2) Where—

“(a) A defendant is convicted of an offence; and

“(b) The Registrar of the Court in which that conviction is entered has reason to believe that the offence is a domestic violence offence,—

the Registrar shall, without delay, forward a certified copy of the entry in the Criminal Records relating to that conviction to the Registrar of the relevant Court.

“(3) On receiving a copy forwarded pursuant to subclause (1) or subclause (2) of this regulation, the Registrar of the relevant Court shall cause the copy to be placed on the file relating to the proceedings or, as the case may be, the pending proceedings.

“15S. **Result of appeal to be notified to Court receiving copy of criminal record**—(1) Where,—

“(a) Pursuant to regulation 15Q or regulation 15R of these regulations, a copy of an entry in the Criminal Records relating to a conviction for an offence is forwarded to a relevant Court; and

“(b) On any appeal,—

“(i) That conviction is quashed; or

“(ii) The sentence imposed in relation to that offence is varied; and

“(c) In accordance with section 135 (2) of the Act, the Registrar makes, in the entry in the Criminal Records relating to that conviction, a note of the decision on appeal,—

the Registrar shall, without delay, forward a copy of that note to the Registrar of the relevant Court.

“(2) Where,—

“(a) Pursuant to regulation 15Q or regulation 15R of these regulations, a copy of an entry in the Criminal Records relating to a conviction for an offence is forwarded to a relevant Court; and

“(b) A copy of a note relating to that conviction is forwarded to the relevant Court pursuant to subclause (1) of this regulation,—

the Registrar of the relevant Court shall,—

“(c) Where the conviction has been quashed, remove from the file the copy of the entry relating to that conviction; or

“(d) In any other case, cause the copy of the note to be placed on the file relating to the proceedings or, as the case may be, the pending proceedings.

“15T. **Registrar may request information about criminal proceedings**—(1) This regulation applies where—

“(a) Either—

“(i) Proceedings on an application for a protection order are pending before a District Court or a Family Court; or

“(ii) A District Court or a Family Court has made a protection order; and

“(b) The Court before which those proceedings are pending or, as the case may be, that made the protection order, or the Registrar of that Court, has reason to believe that any person who is a party to those pending proceedings or, as the case may be, who is a person against whom the protection order has been made, is charged with, or has been convicted of—

“(i) A domestic violence offence; or

“(ii) An offence against section 49 of the Domestic Violence Act 1995.

“(2) Where this regulation applies, the Registrar of the Court may request the Registrar of the Court in which those criminal proceedings are pending or, as the case may be, in which that conviction was entered to supply such information as is available relating to those proceedings or, as the case may be, to that conviction, including, where applicable and without limitation,—

“(a) The conditions on which bail has been granted to the defendant:

“(b) A copy of the entry in the Criminal Records relating to the conviction.

“(3) A Registrar to whom a request is made pursuant to subclause (2) of this regulation shall, without delay, provide to the requesting Registrar as much of the information requested as the requested Registrar has available to him or her.”

MARIE SHROFF,  
Clerk of the Executive Council.

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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 July 1996, amend the Summary Proceedings Regulations 1958. The amendments provide for the transfer, to District Courts and Family Courts, of information about convictions for offences relating to domestic violence.

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These regulations are administered in the Ministry of Justice.