



**THE SUMMARY PROCEEDINGS REGULATIONS 1958,
AMENDMENT NO. 3**

H. E. BARROWCLOUGH, Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington this 30th day of June 1965

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Summary Proceedings Act 1957, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Summary Proceedings Regulations 1958, Amendment No. 3, 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 fourteenth day after the date of their notification in the *Gazette*.

2. Regulation 7 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) If the Magistrate is satisfied—

“(a) In the case of an application under section 31 (1A) of the Act, that the defendant consents to the order; and

“(b) In any other case, that the informant or the defendant, as the case may be, does not oppose the application,—
he may make an order on the application forthwith.”

3. (1) The First Schedule to the principal regulations is hereby amended by revoking form 14 (as substituted by the Summary Proceedings Regulations 1958, Amendment No. 2), and substituting the form 14 set out in the Schedule to these regulations.

(2) The Summary Proceedings Regulations 1958, Amendment No. 2, is hereby revoked.

*S.R. 1958/38
Amendment No. 1: S.R. 1959/76
Amendment No. 2: S.R. 1962/107

4. (1) The First Schedule to the principal regulations is hereby further amended by omitting from form 42 the words "at the next sitting for the trial of criminal cases" in the last paragraph.

(2) The First Schedule to the principal regulations is hereby further amended by omitting from form 43 the memorandum for the Superintendent to be endorsed on the back, and substituting the following:

"Memorandum for the Superintendent,

.....
The within-named is to stand his trial at the Supreme Court at

.....
Registrar,
Magistrate's Court,
/ /19...."

5. The First Schedule to the principal regulations is hereby further amended by revoking form 45, and substituting the form 45 set out in the Schedule to these regulations.

6. The Second Schedule to the principal regulations (as substituted by the Summary Proceedings Regulations 1958, Amendment No. 1) is hereby amended by revoking paragraph 6, and substituting the following paragraph:

"6. Filing application by disqualified person for removal of disqualification or for partial exemption from disqualification order under the Transport Act 1962 2 0 0"

SCHEDULE

Form 14

No. /19....

"BAIL BOND FOR THE ATTENDANCE OF A DEFENDANT COMMITTED FOR TRIAL OR SENTENCE

Section 50 (1), Summary Proceedings Act 1957 (as applied by section 171 (1) and (2)

[Full name], Informant.

[Full name], Defendant.

[Full name], of [Address, occupation] (hereinafter called the defendant), has been committed for trial (sentence) for and [Full name(s), address(es), and occupation(s)] has (have) agreed to act as surety (sureties).

I, the defendant, bind myself to attend personally and report to the Registrar of the Supreme Court at (at such time on such day during the sittings of the Supreme Court now current for the trial of criminal cases at that place as may be notified by the Registrar in writing to myself or to my counsel or, if I am not so notified, then) at a.m. on day, the day of 19...., being the first day of the next sittings of the Supreme Court for the

SCHEDULE—*continued*

trial of criminal cases at that place, and to attend personally thereafter on such other day or days during the sittings as may be notified by the Registrar in writing to myself or to my counsel (*or* at the Supreme Court at on day, the day of 19....., at a.m. (p.m.) (and in the meantime to report at the police station at).

And I, the defendant, acknowledge myself bound to forfeit to the Crown the sum of £..... and I (we) the surety (sureties) acknowledge myself (ourselves) bound to forfeit to the Crown the sum of £..... (each) in the event that the defendant fails to attend or fails to perform any of his obligations under this bond.

.....Defendant.

.....Surety (*or* Sureties).

Taken before me at this day of 19.....

.....
Magistrate
(*or* Justice of the Peace
or Registrar).

Form 45

No. /19.....

“NOTICE TO WITNESS TO ATTEND SUPREME COURT

Section 181, Summary Proceedings Act 1957

To [*Full name*], of [*Address, occupation*].

TAKE NOTICE that you are required to attend at the Supreme Court at at such time on such day or days as are notified to you in writing by a constable to give evidence in the case of who has been committed for trial on a charge of

The case will be heard (during the present sittings of the Supreme Court *or*) during the next sittings of the Supreme Court, commencing on day, the day of 19....., and once the case has begun you will be required to attend from day to day until it is heard.

If you change your address in the meantime you should notify the Police *or* the Registrar of the Supreme Court of your new address.

Dated at this day of 19.....

.....
Magistrate
(*or* Justices of the Peace
or Registrar).

NOTE—This notice has the same effect as if it were a summons to a witness issued out of the Supreme Court. A person who disobeys a witness summons is punishable for contempt of Court.”

T. J. SHERRARD,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation 2 amends regulation 7 of the principal regulations (relating to an order for the taking of evidence at another Court) in consequence of the provisions of section 31 (1A) of the Summary Proceedings Act 1957 providing for the taking of the evidence of a witness for the prosecution if the defendant consents.

Regulations 3, 4, and 5 make such amendments in forms as are necessary in consequence of the provisions of section 6 of the Summary Proceedings Amendment Act 1964 relating to the release on bail of a defendant committed for trial to the Supreme Court at the current sessions, where practicable, instead of to the next session.

Regulation 6 prescribes the same fee for filing an application for an order of partial exemption from disqualification under the Transport Act 1962 as is payable for filing an application for removal of disqualification.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 1 July 1965.

These regulations are administered in the Department of Justice.