

1977/93



**THE SUMMARY PROCEEDINGS REGULATIONS 1958,
AMENDMENT NO. 8**

DENIS BLUNDELL, Governor-General

At the Government Buildings at Wellington this 26th day of April 1977

Present:

THE RIGHT HON. R. D. MULDOON PRESIDING IN COUNCIL

PURSUANT to 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. 8, and shall be read together with and deemed part of the Summary Proceedings Regulations 1958* (hereinafter referred to as the principal regulations).

(2) Regulation 4 (1) (b) of these regulations shall come into force on the date of commencement of section 3 of the Summary Proceedings Amendment Act 1976.

(3) Except as provided in subclause (2) of this regulation, these regulations shall come into force on the 1st day of May 1977.

2. Traffic offences—(1) Regulation 5 of, and the Third Schedule to, the principal regulations are hereby revoked.

(2) Notwithstanding any other provision of these regulations, subclause (1) of this regulation and subclauses (1) (c) and (2) (b) of regulation 4 of these regulations shall not apply in respect of any offence that was being dealt with in accordance with section 21 of the Summary Proceedings Act 1957 on the 16th day of December 1976.

*S.R. 1958/38

Amendment No. 1: (*Revoked by S.R. 1967/251*)

Amendment No. 2: (*Revoked by S.R. 1965/116*)

Amendment No. 3: S.R. 1965/116

Amendment No. 4: (*Revoked by S.R. 1974/136*)

Amendment No. 5: S.R. 1969/275

Amendment No. 6: S.R. 1970/52

Amendment No. 7: S.R. 1974/136

3. Transfer of enforcement to another Court—(1) Regulation 15G of the principal regulations (as inserted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended by revoking subclauses (1) to (3).

(2) The said regulation 15G is hereby further amended by omitting from subclause (4) the words “under this regulation or”.

4. Forms substituted, revoked, inserted, and amended—(1) The First Schedule to the principal regulations is hereby amended—

(a) By inserting in form 5A (as inserted by regulation 3 (1) (a) of the Summary Proceedings Regulations 1958, Amendment No. 7), after the words “summary offence”, the words “or an indictable offence that may be dealt with summarily”:

(b) By inserting, after form 9A (as inserted by regulation 3 (1) (c) of the Summary Proceedings Regulations 1958, Amendment No. 7), the form 9B set out in the Schedule to these regulations:

(c) By revoking form 10 (as substituted by regulation 2 of the Summary Proceedings Regulations 1958, Amendment No. 5):

(d) By omitting from form 22 (as substituted by regulation 3 (1) (e) of the Summary Proceedings Regulations 1958, Amendment No. 7) the words “RECORD BOOK”, and substituting the word “RECORDS”:

(e) By omitting from form 32 (as substituted by regulation 3 (1) (f) of the Summary Proceedings Regulations 1958, Amendment No. 7)—

(i) The words “(the Court closest to the defendant’s place of residence or for the following reasons [*Set out the reasons for the transfer where enforcement is being transferred to a Court which is not the Court closest to the defendant’s place of residence*])”;

(ii) The words “(or regulation 15G of the Summary Proceedings Regulations 1958)”:

(f) By revoking form 42, and substituting the form 42 set out in the Schedule to these regulations:

(g) By omitting from paragraph (b) of form 45A (as inserted by regulation 3 (1) (g) of the Summary Proceedings Regulations 1958, Amendment No. 7) the words “(which was handed to you at the completion of your evidence)”.

(2) The following regulations are hereby consequentially revoked:

(a) Regulation 4 (1) of the Summary Proceedings Regulations 1958, Amendment No. 3:

(b) The Summary Proceedings Regulations 1958, Amendment No. 5.

5. Court fees—The Second Schedule to the principal regulations (as substituted by regulation 5 of the Summary Proceedings Regulations 1958, Amendment No. 7) is hereby amended by omitting from paragraph (4) the words “record book”, and substituting the word “records”.

SCHEDULE

Reg. 4

NEW FORMS 9B AND 42 IN FIRST SCHEDULE TO PRINCIPAL
REGULATIONS

Form 9B

C.R. No.

“SUMMONS TO DEFENDANT FOR A MINOR OFFENCE

Section 20A (8), Summary Proceedings Act 1957

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

Magistrate’s Court:

Occupation:

Date of Birth:

*Driver’s Licence No.

*Latest Coupon issued by:

[Full name of informant], of [Address, capacity in which acting] has
filed a notice of prosecution for a minor offence, 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 section and statute
applicable] in that you [Here set out brief details of the offence].

The fact on which this allegation is based are contained in the
summary of facts set out in, or attached to, the said notice of prosecution.

You have indicated that you wish to deny the charge or to appear
before the Court for that or another purpose* or a Magistrate has
directed that this summons be issued*.

You are therefore summoned to appear on day, the
day of 19....., at a.m. (p.m.), at the Magistrate’s
Court at, to answer to the said notice of prosecution.

Dated at this day of 19.....

.....
Magistrate (or Justice of the
Peace or Registrar or Deputy
Registrar (not being a
constable)).”

*Delete if inapplicable



SCHEDULE—continued

Form 42

"COMMITTAL OF DEFENDANT TO THE SUPREME COURT FOR TRIAL OR
SENTENCE*Section 168, Summary Proceedings Act 1957*

ON the day of 19....., [Full name], of [Address, occupation] (hereinafter called the defendant), appeared before the Magistrate's Court at charged with the offence(s) set out in the information(s) numbered 1 to attached hereto.

*The defendant pleaded guilty under section 153A of the Summary Proceedings Act 1957 to the offence(s) set out in the information(s) numbered to attached hereto.

*The written statements numbered 1 to attached hereto were admitted in evidence under section 173A of the Summary Proceedings Act 1957. Pursuant to section 160A of the Summary Proceedings Act 1957 the Court did not consider the evidence.

*The written statements numbered 1 to attached hereto were admitted in evidence under section 173A of the Summary Proceedings Act 1957. After the charge(s) was (were) read to the defendant the [number] witnesses whose names are set out in their respective depositions gave on oath in my (our) presence and in the presence of the defendant the evidence set out in the depositions the pages of which are numbered 1 to attached hereto. The defendant (or his counsel, Mr) was given full opportunity to cross-examine each witness, and any cross-examination is included in the depositions. The evidence of each witness was read over to the witness in the presence of the defendant and each page was then signed by the witness and by me (us).

*The information having been amended the amended charge was read to the defendant immediately after all the evidence for the informant had been given.

*After completion of the evidence the caution set out in section 163 (2) of the Summary Proceedings Act 1957 was addressed to the defendant, who answered as follows:

*The statement contained in section 168 (1) (a) of the Summary Proceedings Act 1957 was then addressed to the defendant, who answered as follows:

The defendant was then committed to the Supreme Court at for sentence*/trial* on the charge(s) set out in the information(s) numbered to attached hereto.

.....
Magistrate
(or Justices of the Peace)."

*Delete if inapplicable.

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.

These regulations amend forms and other provisions of the Summary Proceedings Regulations 1958. All the amendments are consequential upon the Summary Proceedings Amendment Act 1976.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 April 1977.

These regulations are administered in the Department of Justice.