



Summary Proceedings (Electronic Transactions) Rules 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of August 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 212 of the Summary Proceedings Act 1957, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following rules.

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Rules

- 1 Title**
These rules are the Summary Proceedings (Electronic Transactions) Rules 2006.
- 2 Commencement**
These rules come into force on 10 October 2006.

3 Legal requirements to give information in writing may be met by electronic means

- (1) The writing requirements for attachment order information requests may be met by electronic means in accordance with section 20 of the Electronic Transactions Act 2002.
- (2) The writing requirements for attachment order information requests are the requirements, in section 87AA(1) or 104A(1A) of the Act, that the following requests be made by notice in writing:
 - (a) an attachment order beneficiary information request;
 - (b) an attachment order employer information request.
- (3) In this rule,—

Act means the Summary Proceedings Act 1957

attachment order beneficiary information request means a request—

- (a) made to the chief executive by a Registrar, under section 87AA(1) of the Act, and in respect of a defendant; and
- (b) requiring the chief executive to provide the Registrar with the information (relating to the defendant) specified in section 87AA(2) of the Act that is known to the chief executive; and
- (c) made by a notice on receipt of which the chief executive must, under section 87AA(3A) of the Act, if the defendant has died and the chief executive is aware of that fact, advise the Registrar accordingly

attachment order employer information request means a request—

- (a) made to the commissioner by a Registrar, under section 104A(1A) of the Act, and in respect of a defendant; and
- (b) requiring the commissioner to provide the Registrar with the name, address, and telephone number of the employer of the defendant, or any of those details, because all or any of those details are unknown or require clarification; and
- (c) made by a notice on receipt of which the commissioner must, under section 104A(3) of the Act, if the defendant has died and the commissioner is aware of that fact, advise the Registrar accordingly

chief executive means the chief executive of the department for the time being responsible for the administration of the Social Security Act 1964

commissioner means the Commissioner of Inland Revenue

Registrar means a Registrar or Deputy Registrar of a District Court.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

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

These rules come into force on 10 October 2006. They enable the Registrar of a District Court to request information electronically in connection with the making of attachment orders against defendants under the Summary Proceedings Act 1957 (the **Act**). The Registrar may do so in 2 situations. The first is under section 87AA of the Act. That section enables the Registrar to request information about a defendant from the Chief Executive of the Ministry of Social Development. The information includes information about the amount and type of any benefit paid to the defendant, and the residential address and residential telephone number of the defendant. The second is under section 104A of the Act. Under that section, the Registrar may request the Commissioner of Inland Revenue to provide the name, address, and telephone number of the defendant's employer.

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

Date of notification in *Gazette*: 31 August 2006.

These rules are administered by the Ministry of Justice.
