



Summary Proceedings (Electronic Transactions) Rules 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 10th day of December 2007

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 2007.

2 Commencement

These rules come into force on 1 March 2008.

3 Interpretation

In these rules, unless the context otherwise requires,—

Act means the Summary Proceedings Act 1957

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

4 Requirements relating to variation, etc, of arrangements extending time to pay fine or attachment order

- (1) A requirement under section 86B(2)(a) of the Act that a defendant's agreement to the variation, suspension, or cancellation proposed by the Registrar must be in writing may be met in electronic form in accordance with section 18 of the Electronic Transactions Act 2002.
- (2) Any of the following requirements to give information in writing may be met by giving the information in electronic form in accordance with section 20 of the Electronic Transactions Act 2002:
 - (a) a requirement under section 86B(5)(a) of the Act that the Registrar serve on the defendant a written notice—
 - (i) setting out the action (variation, suspension, or cancellation of an arrangement extending the time to pay a fine or an attachment order) that the Registrar proposes to take and the reasons for the action; and
 - (ii) indicating that the defendant may make a written submission to the Registrar as to why the Registrar should not take the proposed action and that this submission must be received by the Registrar within 10 working days after the date of the notice:
 - (b) a requirement under section 86B(7)(a)(ii) of the Act that the Registrar serve on the defendant a further written notice specifying the date on which the variation, suspension, or cancellation of an arrangement extending the time to pay takes effect.
- (3) Any written submissions that the defendant may make to the Registrar in response to a notice served under section

86B(5)(a) of the Act may be given in electronic form in accordance with section 20 of the Electronic Transactions Act 2002.

5 Requirements relating to attachment order information requests

(1) Any of the following requirements to give information in writing may be met by giving the information in electronic form in accordance with section 20 of the Electronic Transactions Act 2002:

- (a) a requirement under section 87AA(1) of the Act that an attachment order beneficiary information request must be made by notice in writing;
- (b) a requirement under section 104A(1A) of the Act that an attachment order employer information request must be made by notice in writing.

(2) In this rule,—

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.

6 Revocation

The Summary Proceedings (Electronic Transactions) Rules 2006 (SR 2006/264) are revoked.

Rebecca Kitteridge,
for 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, which are made under the Summary Proceedings Act 1957 (the **Act**), come into force on 1 March 2008. They revoke and replace the Summary Proceedings (Electronic Transactions) Rules 2006.

Rule 3 defines certain terms used in these rules.

Rule 4 relates to section 86B of the Act. Section 86B establishes the circumstances and procedure by which the Registrar of a District Court (the **Registrar**) may vary, suspend, or cancel an arrangement extending the time to pay a fine or an attachment order.

Rule 4(1) enables the requirement under section 86B(2)(a) of the Act that the defendant's agreement (to the variation, suspension, or cancellation proposed by the Registrar) be in writing to be met if the defendant's agreement is in electronic form in accordance with section 18 of the Electronic Transactions Act 2002.

Rule 4(2) enables the following requirements to give information in writing to be met in electronic form in accordance with section 20 of the Electronic Transactions Act 2002:

- the written notice that the Registrar must serve on the defendant under section 86B(5)(a) of the Act before varying, suspending, or cancelling an arrangement extending the time to pay a fine or an attachment order;
- the further written notice that the Registrar must serve on the defendant under section 86B(7)(a)(ii) of the Act specifying the date that the proposed action takes effect.

Rule 4(3) enables the defendant's written submissions to the Registrar (in response to the notice served under section 86B(5)(a)) to be given in electronic form in accordance with section 20 of the Electronic Transactions Act 2002.

Rule 5 enables the Registrar to request information electronically in connection with the making of attachment orders against defendants under 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.

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These rules are administered by the Ministry of Justice.

