



**TELECOMMUNICATIONS (CALL DATA WARRANT)
REGULATIONS 1997**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 8th day of December 1997

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 10s of the Telecommunications Act 1987, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Telecommunications (Call Data Warrant) Regulations 1997.

(2) These regulations come into force on 1 February 1998.

2. Form of call data warrant—Every call data warrant issued under section 10B of the Telecommunications Act 1987 must be in the form set out in the Schedule.

SCHEDULE

Reg. 2

FORM

CALL DATA WARRANT

(Section 10B, Telecommunications Act 1987)

*1. To every member of the Police:

or

*1. To every Customs officer:

2. I am satisfied on an application made to me in writing and on oath that there is reasonable ground for believing—

(a) That an offence punishable by imprisonment has been, or is being, or is likely to be committed; and

(b) That evidence relevant to the investigation of the offence will be obtained—

(i) By the use of a telephone analyser; or

(ii) From call associated data provided by a network operator.

3. The offence in respect of which this warrant is granted is(being an offence punishable by imprisonment).

4. This warrant authorises you at any time or times within [*Here specify the period during which the warrant is to be in force, which may not exceed 30 days from the date of issue*] days from the date of this warrant to do the following things:

(a) To connect a telephone analyser, or to have a telephone analyser connected, to any part of a network, or to any line, apparatus, or equipment connected to any part of a network, that is used, or (where applicable) is suspected of being used, by [*Name and address of suspect or other person*]:

(b) To monitor the telephone analyser, or to have the telephone analyser monitored:

(c) To require the network operator whose network is subject to this warrant to supply, to a member of the Police or (as the case requires) a Customs officer, call associated data in respect of the above-named person.

5. This warrant authorises you to obtain call associated data in respect of the following kind of telecommunication: [*Specify*].

*6. This warrant relates to the following telephone number: [*Specify*].

or

*6. This warrant authorises the use of a telephone analyser in respect of [*Premises or place, being premises or a place used or suspected of being used, by the person to whom the warrant relates, for the purposes of, or for any purpose relating to, an offence in respect of which the warrant is issued*].

7. Before requiring a network operator to supply call associated data under this warrant, you must consult with the network operator to ensure that compliance with the terms of the requirement will not unreasonably interfere with the normal operation of the operator's network.

SCHEDULE—*continued*FORM—*continued*

8. This warrant does not authorise any person to enter any premises or place without the consent of the owner or occupier of those premises or that place, except as provided by section 10D of the Telecommunications Act 1987.

Dated at this day of 19 .

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District Court Judge

**To be deleted where not applicable.*

MARIE SHROFF,
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, which come into force on 1 February 1998, prescribe the form to be used for call data warrants issued under section 10B of the Telecommunications Act 1987.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 December 1997.
These regulations are administered in the Ministry of Commerce.