

**Reprint
as at 4 September 2013**



Bail Rules 2000

(SR 2000/248)

Bail Rules 2000: revoked, on 4 September 2013, by section 46 of the Bail Amendment Act 2013 (2013 No 66).

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 20th day of November 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 73 of the Bail Act 2000, 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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These rules are administered by the Ministry of Justice.

**Schedule
Forms**

3

Rules

- 1 Title**
These rules are the Bail Rules 2000.
 - 2 Commencement**
These rules come into force on 1 January 2001.
 - 3 Interpretation**
In these rules, unless the context otherwise requires, **Act** means the Bail Act 2000.
 - 4 Forms**
The forms set out in the Schedule are the forms that must be used in respect of the matters under the Act to which those forms relate.
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**Schedule
Forms**

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Form 1

No /20

Warrant of deliverance on grant of bail

*Section 33, Bail Act 2000*To the Manager of the prison at [*place*]:[*Full name*], of [*address, occupation*] (the **defendant**)—

- (a) was remanded into your control on (a) charge(s) of [*name of charge(s)*]; or
- (b) was convicted of [*offence(s)*] and sentenced to [*sentence(s)*] and has appealed against—
 - (i) conviction; or
 - (ii) sentence; or
 - (iii) conviction and sentence; or
- (c) has been committed for trial; or
- (d) has been committed for sentence.

The defendant has been granted bail.

I direct you, if the defendant is detained in your prison awaiting hearing of the charge(s) (*or* awaiting the determination of his or her appeal *or* awaiting trial *or* sentence) and for no other cause, to release the defendant as soon as is reasonably practicable.

Dated at this day of 20

District Court Judge
(*or* Registrar)

Schedule form 1: amended, on 1 June 2005, by section 207 of the Corrections Act 2004 (2004 No 50).

Form 2

No /20

Warrant to arrest for absconding, breaching
bail condition, or failing to appear (summary
proceedings)

Section 36, Bail Act 2000

To every constable:

(or To [*full name*], constable:)

On [*date*] a sworn complaint was made that [*full name*], of [*address, occupation*] (the **defendant**), at [*place*] on [*date*], has engaged in behaviour of a kind described in section 36(1)(a) of the Bail Act 2000, namely that the defendant—

- (a) has absconded or is about to abscond for the purposes of evading justice; or
- (b) has contravened or failed to comply with any condition of bail.

or

On [*date*] [*full name*], of [*address, occupation*] (the **defendant**) engaged in behaviour of a kind described in section 36(1)(b) of the Bail Act 2000, namely the defendant—

- (a) did not attend personally at the time and place specified in the notice of bail or, as the case may be, the bail bond; or
- (b) did not attend personally at any time and place to which, during the course of the proceedings, the hearing was adjourned.

I am satisfied that there are grounds for the issue of a warrant to arrest the defendant.

I direct you or any other constable to arrest the defendant and bring him or her before a District Court as soon as possible to have the question of bail reconsidered under section 35 of the Bail Act 2000. For the purpose of executing this warrant, the constable executing it may at any time enter on to any premises, by force if necessary, if the constable has reasonable grounds to believe that the defendant is on those premises.

Dated at this day of 20

Form 2—*continued*

District Court Judge
(*or* Justice(s) of the Peace
or Community Magistrate(s)
or Registrar)

Schedule form 2: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form 3

No /20

Warrant to arrest and commit bailed appellant
who has surrendered

Section 47, Bail Act 2000

To every constable (or To [*full name*], constable), and to the Manager
of the prison at [*place*]:

[*Full name*], of [*address, occupation*] (the **appellant**), who was
convicted of the offence of and
sentenced to, having appealed
against his or her conviction (*or sentence or conviction and
sentence*), was released on bail.

The appellant has surrendered himself or herself and applied to me
for the discharge of bail.

I direct you, the said constable(s), to arrest the appellant and deliver
him or her to the prison at [*place*]; and

I direct you, the said Manager, to receive the defendant into your
custody and to detain him or her for the unexpired term of the sen-
tence.

Dated at this day of 20.....

District Court Judge
(*or Justice of the Peace*)

Schedule form 3: amended, on 1 June 2005, by section 207 of the Corrections Act 2004
(2004 No 50).

Form 4

No /20

Warrant to arrest for absconding or breaching
bail condition (proceedings taken by way of
indictment)*Section 60, Bail Act 2000*

To every constable:

(or To [*full name*], constable:)[*Full name*], of [*address, occupation*] (the **defendant**)
has been charged with (or convicted of) the offence of
..... (the **offence**).**On** [*date*] evidence was given on oath that the defendant, at [*place*]
on [*date*], engaged in behaviour of a kind described in section 60(1)
of the Bail Act 2000, namely that the defendant—

- (a) has absconded or is about to abscond for the purpose of evad-
ing justice; or
- (b) has contravened or failed to comply with any condition of bail.

I am satisfied that there are grounds for the issue of a warrant for the
arrest of the defendant.**I direct you or any other constable** to arrest the defendant and bring
him or her before a High Court Judge or a District Court Judge to
have the question of bail reconsidered under section 58 of the Bail
Act 2000 (or, if the offence is a drug dealing offence (within the
meaning of that Act), before a High Court Judge to have the question
of bail reconsidered under section 59 of the Bail Act 2000) as soon
as possible.For the purpose of executing this warrant, the constable executing it
may at any time enter on to any premises, by force if necessary, if the
constable has reasonable grounds to believe that the defendant is on
those premises.

Dated at this day of 20

District Court Judge
(or Justice(s) of the Peace
or Community Magistrate(s))

Form 4—*continued*

or Registrar)

or

High Court Judge

(*or* Registrar)

Schedule form 4: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 23 November 2000.

Reprints notes

1 *General*

This is a reprint of the Bail Rules 2000 that incorporates all the amendments to those rules as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Bail Amendment Act 2013 (2013 No 66): section 46

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Corrections Act 2004 (2004 No 50): section 207
