

Reprint
as at 1 November 2009

District Courts Amendment Rules
(No 2) 2002
(SR 2002/184)

District Courts Amendment Rules (No 2) 2002: revoked, on 1 November 2009,
pursuant to rule 17.1 of the District Courts Rules 2009 (SR 2009/257).

Pursuant to section 122 of the District Courts Act 1947, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Chief District Court Judge and at least 2 members of the Rules Committee established under section 51B of the Judicature Act 1908 (of whom at least 1 is a District Court Judge), makes the following rules.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This order is administered in the Ministry of Justice and the Department for Courts.

Schedule

3

New form 60 inserted in Schedule 1 of principal rules

1 Title

- (1) These rules are the District Courts Amendment Rules (No 2) 2002.
- (2) In these rules, the District Courts Rules 1992¹ are called “the principal rules”.

2 Commencement

These rules come into force on 30 June 2002.

3 Transfer of information to criminal court

Rule 461ZL(2)(b) of the principal rules is amended by omitting the words “section 15 of the Criminal Justice Act 1985”, and substituting the words “section 26 of the Sentencing Act 2002”.

4 Contempt procedures

- (1) Rule 584(1) of the principal rules is amended by omitting the words “periodic detention”, and substituting the words “community work”.
- (2) Rule 584(8) of the principal rules is amended by omitting the words “periodic detention”, and substituting the words “community work”.

5 Hearing of contempt proceeding where judgment debtor outside Court district

Rule 585(1) of the principal rules is amended by omitting the words “periodic detention”, and substituting the words “community work”.

6 Forms amended

Forms 56, 57, 58, 59, and 61 in Schedule 1 of the principal rules are amended by omitting the words “periodic detention”

¹ SR 1992/109

in each place where they appear in the form or the heading to the form, and substituting in each case the words “community work”.

7 Order for community work

Schedule 1 of the principal rules is amended by revoking form 60, and substituting the form set out in the Schedule.

Schedule
New form 60 inserted in Schedule 1 of
principal rules

r 7

Form 60
Order for community work

r 584(8)

(Heading-As in form 51)

On the..... day of..... 20, in the District Court at, the above-named judgment creditor obtained a judgment (*or* order) in this proceeding against the above-named judgment debtor for the payment of the sum of \$, including costs.

The total outstanding under the judgment *or* order is now \$ (including costs and disbursements).

The Court is satisfied that—

- (a) You are able to pay the judgment debt but refuse to do so; and
- (b) All other methods of enforcing the judgment have been considered or tried and are inappropriate or unsuccessful.

NOW, THEREFORE, YOU ARE ORDERED TO UNDERGO COMMUNITY WORK FOR A TERM OF HOURS FOR CONTEMPT OF COURT.

The Court orders as follows:

- 1 You must report to a probation officer in the probation area in which you reside as soon as practicable, and not later than 72 hours, after this order is made.
- 2 You must report to the probation officer as directed at any time during the sentence for the purpose of monitoring the sentence.
- 3 You must do the work under the sentence at the place(s) and the time(s) notified to you by the probation officer.

Form 60—*continued*

- 4 The maximum duration that you will be required to do community work at one time is 10 hours, and you will not be required to do community work for more than 40 hours per week.

Date:

.....
District Court Judge/(Deputy) Registrar

To the Judgment Debtor.

NOTES—

- 1 If you pay the full amount of the debt before starting your term of community work, you do not need to start the term.
- 2 If you pay the full amount of the debt during the term of community work, you do not need to continue the term.
- 3 You must make payment to the judgment creditor at the address shown or to any office of the District Court. District Court offices are open to the public from 8.30 am to 5 pm Monday to Friday inclusive. If you pay the judgment creditor, you must notify the Court.

Marie Shroff,
Clerk of the Executive Council.

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

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Notes

1 General

This is an eprint of the District Courts Amendment Rules (No 2) 2002. It incorporates all the amendments to the rules as at 1 November 2009. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please *see* “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

District Courts Rules 2009 (SR 2009/257): rule 17.1
