

**Reprint  
as at 8 April 2019**



## **Courts Security Act 1999**

Public Act      1999 No 115  
Date of assent      14 October 1999  
Commencement      see section 1(2)

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Justice.**

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**An Act to provide for—**

- (a) the security of courts and tribunals; and**
- (b) the safety of the public and others who access and use courts and tribunals; and**
- (c) the promotion of the orderly operation of courts and tribunals**

Long Title paragraph (a): amended, on 14 November 2018, by section 4(1) of the Courts Matters Act 2018 (2018 No 50).

Long Title paragraph (b): amended, on 14 November 2018, by section 4(2) of the Courts Matters Act 2018 (2018 No 50).

Long Title paragraph (c): inserted, on 14 November 2018, by section 4(3) of the Courts Matters Act 2018 (2018 No 50).

**1 Short Title and commencement**

- (1) This Act may be cited as the Courts Security Act 1999.
- (2) This Act comes into force on the day after the date on which it receives the Royal assent.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**appointed court security officer** means a person appointed under section 5

**chief executive** means the chief executive of the department

**contracted court security officer** means a person employed by a court security contractor to enable the contractor to perform the court security contract

**court** has the meaning given to it by section 3

**courtroom** has the meaning given to it by section 3

**court security contract, or contract,** means a contract—

- (a) that is made between the chief executive and a court security contractor for the provision, by the contractor, of persons as court security officers; and

- (b) that complies with section 7

**court security contractor, or contractor,** means a person with whom the chief executive makes a court security contract

**court security officer, or officer,** includes an appointed court security officer and a contracted court security officer

**department** means the Ministry of Justice

**general language** means language that a court security officer could reasonably understand to be a direction or a request to exercise a power or duty under this Act, even though the language does not refer, either at all or correctly, to any or all of—

- (a) the name of this Act; or
- (b) the number of a section of this Act; or
- (c) the words used in this Act to describe a power or duty of a court security officer

**Judge** means—

- (a) a Judge, including an Associate Judge, or member of any court or tribunal specified in section 3:
- (b) a person who presides over, or is a member of, a body for the time being declared by regulations to be a court or tribunal for the purposes of this Act

**Minister** means the Minister of the Crown who is for the time being responsible for the administration of this Act, under the authority of any warrant or with the authority of the Prime Minister

**Police officer** means a constable

**presiding judicial officer** means any of the following persons who is presiding over proceedings:

- (a) a Judge:
- (b) a Justice of the Peace:
- (c) a Community Magistrate:
- (d) a registrar or deputy registrar of a court:
- (e) a coroner:
- (f) the Principal Disputes Referee, or a referee, holding office under the Disputes Tribunal Act 1988:
- (g) the Principal Tenancy Adjudicator, or a tenancy adjudicator, holding office under the Residential Tenancies Act 1986:
- (h) a member of a body described in section 3(5)(l)

**scanner search** means a search of a person or of property by means of equipment that does not require the touching of the person or the property

**specified offence**—

- (a) means—
  - (i) an offence under any of—
    - (A) sections 87, 121, 167, 168, 171 to 177, 188 to 194, 196 to 199, 202A, 202C, and 306 of the Crimes Act 1961; and

- (B) sections 3, 9, 11, 11A, 11B, 13, and 13A of the Summary Offences Act 1981; and
- (C) sections 45 and 46 of the Arms Act 1983; and
- (D) sections 7 and 13 of the Misuse of Drugs Act 1975; and
- (ii) any other offence committed within a court that a court security officer believes on reasonable grounds—
  - (A) threatens the safety or security of another person or that person's property; or
  - (B) may cause serious damage to the court; and
- (b) includes an attempt to commit an offence specified in paragraph (a)

**tribunal** means a body that—

- (a) exercises judicial or quasi-judicial functions; and
- (b) is, for the time being, designated by regulations as a tribunal for the purposes of this Act.

Section 2 **department**: amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

Section 2 **Judge**: replaced, on 14 November 2018, by section 5(1) of the Courts Matters Act 2018 (2018 No 50).

Section 2 **Police officer**: amended, on 1 October 2008, pursuant to section 116(a)(vii) of the Policing Act 2008 (2008 No 72).

Section 2 **presiding judicial officer** paragraph (f): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2 **presiding judicial officer** paragraph (h): inserted, on 14 November 2018, by section 5(2) of the Courts Matters Act 2018 (2018 No 50).

Section 2 **specified offence**: replaced, on 14 November 2018, by section 5(3) of the Courts Matters Act 2018 (2018 No 50).

Section 2 **tribunal**: inserted, on 14 November 2018, by section 5(4) of the Courts Matters Act 2018 (2018 No 50).

### 3 Meaning of court and courtroom

(1) **Court** means—

- (a) each area described in subsection (3); and
- (b) each area described in subsection (4).

(2) In this Act, **courtroom** means the place in which proceedings before a body listed in subsection (5) are heard, subject to the following:

- (a) if the place is usually a place in which such proceedings are heard, it is a courtroom whether or not such proceedings are being heard;
- (b) if the place is not usually a place in which such proceedings are heard, it is a courtroom only on a day when such proceedings are scheduled to be heard, before the proceedings are heard, while they are being heard, and shortly after they finish being heard.

- (3) For the purposes of subsection (1)(a), the area is—
- (a) each courtroom of each of the bodies listed in subsection (5); and
  - (b) if the courtroom is located in a building,—
    - (i) that part of the building associated with the servicing of the courtroom, including, for example, a foyer or a waiting area; and
    - (ia) every other part of the building (including any cells) that is being used for services relating to the court; and
    - (ii) the grounds immediately adjacent to the building and either belonging to the building or servicing the building; and
    - (iia) if the building is adjacent to a road, any footpath or other area between the building and the road; and
    - (iii) any car parking area in the building or in the grounds.
- (4) For the purposes of subsection (1)(b), the area is—
- (a) each set of Judge’s chambers of each of the bodies listed in subsection (5)(aa) to (h); and
  - (b) that part of the building in which each set of Judge’s chambers is located that is associated with the servicing of the Judge’s chambers, including, for example, a foyer or a waiting area; and
  - (ba) any other part of the building (including any cells) that is used for services relating to judicial or quasi-judicial functions; and
  - (c) the grounds immediately adjacent to the building and either belonging to the building or servicing the building; and
  - (ca) if the building is adjacent to a road, any footpath or other area between the building and the road; and
  - (d) any car parking area in the building or in the grounds.
- (5) The bodies are—
- (aa) the Supreme Court:
    - (a) the Court of Appeal:
    - (b) the High Court:
    - (c) the District Court:
    - (d) the following divisions of the District Court:
      - (i) the Disputes Tribunal:
      - (ii) the Family Court:
      - (iii) the Youth Court:
  - (e) the Environment Court:
  - (ea) the Employment Court:
  - (f) the Maori Appellate Court:

- (g) the Maori Land Court:
- (h) the Court Martial Appeal Court:
- (i) the Waitangi Tribunal:
- (j) the Tenancy Tribunal:
- (k) a coroner:
- (l) every court, tribunal, and other constituted dispute-resolution body that conducts proceedings in a building that also accommodates a court or tribunal listed in this subsection or is designated by regulations as a court or tribunal to which this Act applies:
- (m) every place described in regulations made under section 36, and declared by the regulations to be a body to which this Act applies, for the period specified in the regulations.

Section 3(2)(b): amended, on 14 November 2018, by section 6(1) of the Courts Matters Act 2018 (2018 No 50).

Section 3(3)(b)(ia): inserted, on 14 November 2018, by section 6(2) of the Courts Matters Act 2018 (2018 No 50).

Section 3(3)(b)(iia): inserted, on 14 November 2018, by section 6(3) of the Courts Matters Act 2018 (2018 No 50).

Section 3(4)(a): amended, on 14 November 2018, by section 6(4) of the Courts Matters Act 2018 (2018 No 50).

Section 3(4)(ba): inserted, on 14 November 2018, by section 6(5) of the Courts Matters Act 2018 (2018 No 50).

Section 3(4)(ca): inserted, on 14 November 2018, by section 6(6) of the Courts Matters Act 2018 (2018 No 50).

Section 3(5)(aa): inserted, on 1 January 2004, by section 48(1) of the Supreme Court Act 2003 (2003 No 53).

Section 3(5)(c): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 3(5)(d): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 3(5)(ea): inserted, on 14 November 2018, by section 6(7) of the Courts Matters Act 2018 (2018 No 50).

Section 3(5)(h): substituted, on 1 July 2009, by section 35 of the Court Martial Appeals Amendment Act 2007 (2007 No 99).

Section 3(5)(l): replaced, on 14 November 2018, by section 6(8) of the Courts Matters Act 2018 (2018 No 50).

### *Provision of court security officers*

#### **4 Chief executive may appoint, or contract for, court security officers**

- (1) The chief executive may provide court security officers by doing one or both of the following:
  - (a) appointing persons as court security officers from time to time under the State Sector Act 1988:

- (b) making court security contracts from time to time.
- (2) The chief executive has no duty to provide—
  - (a) any court security officers; or
  - (b) any particular number of court security officers; or
  - (c) any court security officers at any particular court.

## **5 Appointment of court security officers**

- (1) The chief executive must appoint suitable persons when appointing court security officers under the State Sector Act 1988.
- (2) An appointed court security officer is an employee of the department.

## **6 Contracts for provision of court security officers**

- (1) The chief executive must have the written consent of the Minister before making a court security contract.
- (2) The chief executive acts in the name and on behalf of the Crown when making a court security contract.
- (3) A contracted court security officer is not employed in the service of the Crown, for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956, just because he or she is a contracted court security officer.

## **7 Requirements of court security contracts**

- (1) Every court security contract must—
  - (a) record that the chief executive has the written consent of the Minister to the making of the contract; and
  - (b) specify the term of the contract; and
  - (c) specify each court to which the contract applies; and
  - (d) require the contractor to employ a sufficient number of suitable persons as contracted court security officers; and
  - (e) require the contractor to comply with sections 56(1), 56(2), 58(1), and 58(3) of the State Sector Act 1988 (which relate to personnel and equal employment policies), as if the contractor were the chief executive of a department within the meaning of that Act; and
  - (f) require the contractor to ensure that contracted court security officers, when exercising any of the powers and duties in sections 12 to 23 or 26 or 28, comply with—
    - (i) this Act and any regulations made under this Act; and
    - (ii) the New Zealand Bill of Rights Act 1990, as if the contractor and the contracted court security officers were employees of the department; and

- (g) require the contractor, at the option of the chief executive, to—
    - (i) provide, and pay for, training for contracted court security officers; or
    - (ii) make contracted court security officers available for training by a body nominated by the chief executive; and
  - (h) require training provided and paid for by the contractor to be—
    - (i) to the standard appropriate for the particular position; and
    - (ii) to a standard no lower than the standard of training received by appointed court security officers; and
  - (i) require the contractor to arrange and maintain adequate insurance against the contractor's liability for claims arising from the contract; and
  - (j) provide for the avoidance of conflicts of interest that might arise in relation to the exercise, by the contractor or any contracted court security officer, of any power or duty under the contract or this Act; and
  - (k) provide performance standards for the performance by the contractor of the contractor's duties under the contract; and
  - (l) provide for the termination of the contract for breach of contract.
- (2) A court security contract may make any other provision that the chief executive and the contractor agree on, as long as the provision is not inconsistent with this Act or any regulations made under this Act.

## **8 Extension of court security contracts**

The chief executive may agree to an extension of the term of a court security contract, but must have the written consent of the Minister before doing so.

## **9 Court security officers, on completion of training, to have and show identity cards**

- (1) Every court security officer must undergo a course of training approved by the chief executive before the officer may exercise any of the powers or duties in sections 12 to 23 or 26 or 28.
- (2) When a court security officer completes the course of training to the satisfaction of the chief executive, the chief executive must issue the officer with an identity card.
- (3) The identity card must—
  - (a) state the court security officer's name; and
  - (b) contain the court security officer's photograph and signature.
- (4) A person who ceases to be a court security officer must return the person's identity card to the chief executive as soon as practicable after ceasing to be a court security officer.

- (5) A court security officer must ensure that his or her identity card is visible while he or she is exercising any of the powers or duties in sections 12 to 23 or 26 or 28.
- (6) The failure by a court security officer to comply with subsection (5) does not make his or her exercise of any of the powers or duties in sections 12 to 23 or 26 or 28 unlawful.

### **10 Courts in which court security officers may exercise powers and duties**

- (1) An appointed court security officer may exercise any of the powers and duties in sections 12 to 23 or 26 or 28 at any court.
- (2) A contracted court security officer may exercise any of the powers and duties in sections 12 to 23 or 26 or 28 at any court specified in the court security contract as a court to which the contract applies.
- (3) Sections 24 to 29 set out limits on the powers and duties in sections 12 to 23.

### **11 Courtrooms in which court security officers may be present**

- (1) A court security officer may be present in any courtroom where proceedings are being heard, unless the presiding judicial officer directs otherwise.
- (2) This section applies despite any provision in any other enactment about the persons who may be present in a courtroom where proceedings are being heard.

#### *Right of public to enter and remain in court*

Heading: inserted, on 8 April 2019, by section 7 of the Courts Matters Act 2018 (2018 No 50).

### **11A Right of public to enter and remain in areas of court open to public**

- (1) A person may enter and remain in an area of the court that is open to the public if the person complies with—
  - (a) all directions given and requirements imposed, by the presiding judicial officer in a courtroom where proceedings are being heard, that apply to the person; and
  - (b) all directions given or requirements imposed elsewhere in the court by or on behalf of the chief executive, or by a court security officer, that affect that person.
- (2) Directions given or requirements imposed may, without limitation, include directions or requirements allowing (with or without conditions), limiting, or prohibiting the use of cell phones, cameras, or recording equipment in a courtroom or elsewhere in the court.
- (3) Subsection (1) is subject to—
  - (a) sections 12(2), 13(2), 14(1)(b), 15(4) and (5), 16(3), 17(4), 18(1)(b), 18A, 19, 19A, and 20(2) (which provide for the denial of entry to a person or their removal from a court, unless the person is allowed to enter

or re-enter under section 22(1) or 22(1A), and the detention of a person who a court security officer has reasonable grounds to believe may have committed or attempted to commit a specified offence or in the circumstances set out in section 19A):

- (b) any direction given by a presiding judicial officer that a person must not enter or remain in a courtroom or any other specified part of the court:
- (c) any inherent or implied jurisdiction of a Judge or presiding judicial officer to regulate the procedure of a court or tribunal over which that person presides:
- (d) any enactment regulating who may be present at proceedings.

Section 11A: inserted, on 8 April 2019, by section 7 of the Courts Matters Act 2018 (2018 No 50).

### *Powers and duties of court security officers*

#### **12 Power to ask for identification**

- (1) A court security officer may ask any person who wants to enter, or is in, a court to provide the officer with—
  - (a) the person's name and address; and
  - (b) evidence of the person's name and address; and
  - (c) the person's reason for either wanting to enter the court or being in it, if the officer has reasonable grounds for asking for the information.
- (2) A court security officer may deny entry to, or remove, a person—
  - (a) who does not comply with a request under subsection (1); or
  - (b) who gives a reason under subsection (1)(c) that gives the officer reasonable grounds to believe that the person may threaten the security of the court.
- (3) Sections 24 to 29 set out limits on the powers in this section.

#### **13 Power to ask to search**

- (1) A court security officer may ask any person who wants to enter, or is in, a court to give his or her consent to 1 or more of the following kinds of searches:
  - (a) a scanner search of the person's person:
  - (b) a search of the person's person by an electronic screening device, other than a scanner, authorised by the chief executive:
  - (c) a scanner search of any property in the person's possession or control:
  - (d) a search of any property in the person's possession or control by an electronic screening device, other than a scanner, authorised by the chief executive:
  - (e) an external examination of the person's clothes going only as far as is necessary to detect items carried on the person and done by a court

security officer of the same sex as the person, if the officer has reasonable grounds for asking for such a search:

- (f) a search of any property in the person's possession or control, including a motor vehicle, by a means other than a scanner or another electronic device, if the officer has reasonable grounds for asking for such a search.
- (2) A court security officer may deny entry to, or remove, a person who does not consent to a search requested by the court security officer.
  - (3) Sections 24 to 29 set out limits on the powers in this section.

#### **14 Duty of court security officer relating to searches**

- (1) A court security officer who makes a request under section 13(1) must at the same time tell the person that—
  - (a) the search may not take place without the person's consent; and
  - (b) the person may withdraw his or her consent at any time before the search is finished but, if he or she does so, he or she may be denied entry to, or removed from, the court.
- (2) Sections 26 and 28 set out limits on the duty in this section.

#### **15 Power to ask to examine detected items**

- (1) A court security officer may ask a person whose person or property is searched under section 13 to hand over to the officer any item detected during the search so that the officer can examine it.
- (2) A court security officer may exercise the power in subsection (1) immediately after the search, but no later.
- (3) If a person does not comply with a request under subsection (1), the court security officer may exercise the power in subsection (4) or the power in subsection (5).
- (4) This subsection applies if the court security officer has no reasonable grounds to believe that the person may recently have committed a specified offence in the court or in an area immediately adjacent to it or may be about to commit such an offence. The court security officer may deny entry to, or remove, the person.
- (5) This subsection applies if the court security officer has reasonable grounds to believe that the person may recently have committed a specified offence in the court or in an area immediately adjacent to it or may be about to commit such an offence. The court security officer may exercise the powers in section 20.
- (6) Sections 24 to 29 set out limits on the powers in this section.
- (7) This section is subject to section 15A.

Section 15(7): inserted, on 14 November 2018, by section 8 of the Courts Matters Act 2018 (2018 No 50).

### **15A Removal or disposal of alcohol**

- (1) A court security officer may—
  - (a) require a person who brings alcohol into a court to remove it from the court:
  - (b) seize and dispose of the alcohol if the person who is required to remove it refuses or fails to do so promptly.
- (2) Sections 24 to 29 set out limits on the powers in subsection (1).

Section 15A: inserted, on 14 November 2018, by section 9 of the Courts Matters Act 2018 (2018 No 50).

### **16 Power to seize detected items**

- (1) This section applies—
  - (a) if—
    - (i) a person complies with a request under section 15(1); and
    - (ii) the item handed over is of such a nature as to give the court security officer reasonable grounds to believe that the person may recently have committed a specified offence in the court or in any area immediately adjacent to it or may be about to commit such an offence; and
    - (iii) the person does not give the officer a reasonable excuse for the item being on the person's person or property; or
  - (b) if—
    - (i) a person complies with a request under section 15(1); and
    - (ii) the item handed over is of such a nature as to give the court security officer reasonable grounds to believe that it is capable of being used to commit an offence involving violence within the courtroom or would otherwise be dangerous to allow the person to keep with him or her in the court.
- (2) The court security officer may, if subsection (1)(a) applies, exercise the powers in section 20.
- (3) The court security officer may, if subsection (1)(b) applies,—
  - (a) ask the person whether he or she consents to the surrender of the item while the person is in court:
  - (b) if the person does not consent to surrendering the item, deny the person entry to, or remove the person from, the court:
  - (c) if the person does consent, detain the item in accordance with section 20(6).
- (4) Sections 24 to 29 set out limits on the powers in this section.

Section 16: replaced, on 8 April 2019, by section 10 of the Courts Matters Act 2018 (2018 No 50).

**17 Power to ask to take detected items into temporary custody**

- (1) This section applies if—
  - (a) a person complies with a request under section 15(1); and
  - (b) the item handed over is not of such a nature as to give the court security officer reasonable grounds to believe that the person may recently have committed a specified offence in the court or in an area immediately adjacent to it or may be about to commit such an offence; and
  - (c) the officer has reasonable grounds to believe that the item may threaten the security of the court.
- (2) A court security officer may ask the person to leave the item with a court security officer to be returned when the person leaves the court.
- (3) A court security officer may exercise the power in subsection (2) immediately after the item is handed over, but no later.
- (4) A court security officer may deny entry to, or remove, a person who does not comply with a request under subsection (2).
- (4A) If a person has left an item with a court security officer in compliance with a request under subsection (2),—
  - (a) the person may claim the item when leaving the court or at any time within 10 working days of leaving the item; and
  - (b) a court security officer may dispose of the item if it has not been claimed within 10 working days.
- (5) Sections 24 to 29 set out limits on the powers in this section.

Section 17(4A): inserted, on 14 November 2018, by section 11 of the Courts Matters Act 2018 (2018 No 50).

**18 Duty of court security officer relating to taking of items into temporary custody**

- (1) A court security officer who makes a request under section 17(2) must at the same time tell the person that—
  - (a) the item may not be taken from the person without the person's consent; and
  - (b) the person may withdraw his or her consent at any time before leaving the court but, if he or she does so, he or she may be denied entry to, or removed from, the court.
- (2) Sections 26 and 28 set out limits on the duty in this section.

**18A General power to deny entry to, or remove person from, court**

- (1) A court security officer may deny a person entry to, or remove a person from, a court if the court security officer believes on reasonable grounds that the person—

- (a) is harassing or intimidating, or will harass or intimidate, another person;  
or
  - (b) is causing, or will cause, violence within, or damage to, the court; or
  - (c) is significantly disrupting, or will significantly disrupt, proceedings, the administration of a court, or the conduct of lawful activities in a court.
- (2) Sections 24 to 29 set out limits on the powers in subsection (1).  
Section 18A: inserted, on 8 April 2019, by section 12 of the Courts Matters Act 2018 (2018 No 50).

**19 Power to detain if court security officer has reasonable grounds to believe person may have committed specified offence**

- (1) This section applies if a court security officer has reasonable grounds to believe that a person who wants to enter, or is in, a court may recently have committed or attempted to commit a specified offence in the court or may be about to commit such an offence.
- (2) The court security officer may exercise the powers in section 20.
- (2A) However, if the court security officer believes it appropriate to do so in the circumstances, the officer may, instead of exercising the powers in section 20, ask the person to give the court security officer his or her full name, address, and date of birth.
- (2B) If the person fails or refuses to produce those details, and after being warned of the consequences of failing to do so, the court security officer may exercise the powers in section 20.
- (3) Sections 24 to 29 set out limits on the powers in this section.  
Section 19(1): amended, on 8 April 2019, by section 13(1) of the Courts Matters Act 2018 (2018 No 50).  
Section 19(2A): inserted, on 8 April 2019, by section 13(2) of the Courts Matters Act 2018 (2018 No 50).  
Section 19(2B): inserted, on 8 April 2019, by section 13(2) of the Courts Matters Act 2018 (2018 No 50).

**19A Power to detain in other circumstances**

- (1) This section applies if a court security officer has reasonable grounds to believe that a person—
- (a) has—
    - (i) refused to leave court premises after having been required to do so, or has attempted to re-enter a court after being removed or denied entry; and
    - (ii) been warned that the person may be detained if he or she persists with those actions; but
    - (iii) persisted with those actions; or
  - (b) has refused to obey a direction from a court security officer—

- (i) to do anything that is reasonably necessary to protect the safety or security of persons being escorted into or out of a court for services related to the court; or
  - (ii) to stop or avoid doing anything that adversely affects the safety or security of persons referred to in subparagraph (i); or
  - (iii) to do anything that is reasonably necessary to protect the safety or security of any person involved in any activity outside a court and that is part of the proceedings (for example, a jury visiting a crime scene); or
  - (iv) to stop or avoid doing anything that adversely affects the safety or security of persons referred to in subparagraph (iii).
- (2) The court security officer may exercise the powers in section 20.
- (3) Sections 24 to 29 set out limits on the powers in this section.

Section 19A: inserted, on 8 April 2019, by section 14 of the Courts Matters Act 2018 (2018 No 50).

## **20 Powers to seize items and detain persons**

- (1) If section 15(5) or section 16 applies, the court security officer may seize the item. If the officer does so, he or she must immediately detain the person and may continue to detain the person for a period not exceeding 4 hours or any lesser period considered by the court security officer to be reasonable in the circumstances and, as soon as reasonably practicable, call the Police.
- (2) If section 19 or 19A applies, the court security officer may detain the person for a period not exceeding 4 hours or any lesser period that the court security officer considers to be reasonable in the circumstances. If the officer does so, he or she must, as soon as reasonably practicable, call the Police.
- (3) A court security officer may handcuff a detained person in the following circumstances:
- (a) the officer has reasonable grounds to believe that the person may abscond if not handcuffed; or
  - (b) the officer has reasonable grounds to believe that the person may harm himself or herself or others if not handcuffed.
- (4) The officer may keep the handcuffs on until one of the following occurs:
- (a) the person is arrested, in which case the arresting Police officer must decide whether or not the handcuffs are to stay on; or
  - (b) the person is not arrested, in which case a court security officer must remove the handcuffs.
- (5) With respect to a detained person, the court security officer must,—
- (a) if practicable, detain the person separately from other prisoners in a cell or other safe place until the arresting officer arrives or the court security officer is satisfied that the person is not going to be arrested; and

- (b) if—
  - (i) a Police officer wants to arrest the person, deliver the person to the arresting Police officer; or
  - (ii) if no Police officer wants to arrest the person, free the person.
- (5A) With respect to a detained person, the court security officer may direct the person to do or not to do a thing if the court security officer believes on reasonable grounds that the direction is necessary in the circumstances for the purpose of ensuring the safety of the person or the security officer or any other person.
- (6) With respect to a seized item, the court security officer must,—
  - (a) if the person is arrested, hand the item over to the arresting Police officer:
  - (b) if possession of the item is unlawful, hand it over to the Police officer:
  - (c) if possession of the item is not unlawful but may constitute a threat to the security of the court, and the person is released from custody, require the person to comply with section 17:
  - (d) in any other case, return the item to the person.
- (7) Sections 24 to 29 set out limits on the powers in this section.
  - Section 20(1): amended, on 8 April 2019, by section 15(1) of the Courts Matters Act 2018 (2018 No 50).
  - Section 20(2): amended, on 8 April 2019, by section 15(2) of the Courts Matters Act 2018 (2018 No 50).
  - Section 20(5): replaced, on 8 April 2019, by section 15(3) of the Courts Matters Act 2018 (2018 No 50).
  - Section 20(5A): inserted, on 8 April 2019, by section 15(4) of the Courts Matters Act 2018 (2018 No 50).
  - Section 20(6): replaced, on 8 April 2019, by section 15(5) of the Courts Matters Act 2018 (2018 No 50).

## 20A Power to pursue person

If a person who is to be detained under this Act or who is otherwise in lawful custody in a court flees or otherwise escapes from the court,—

- (a) a court security officer may, or, if the court orders, must, pursue that person while he or she is within a short distance of the court security officer; and
- (b) the court security officer may detain the pursued person, who must subsequently be dealt with under section 20(2) to (7), except that, in the case of a person who escaped from lawful custody (the **escaper**), the court security officer must return, or arrange for the return, of the escaper to the person or body who is entitled to custody of the escaper.

Section 20A: inserted, on 8 April 2019, by section 16 of the Courts Matters Act 2018 (2018 No 50).

**21 Power to use reasonable force**

- (1) A court security officer may use the amount of force that is reasonable in the circumstances when exercising any of the powers or duties in sections 12(2), 13(2), 14(1)(b), 15(4), 15A(1)(b), 17(4), 18(1)(b), 18A, 20, and 20A(b).
- (2) Sections 24 to 29 set out limits on the powers in this section.

Section 21(1): amended, on 8 April 2019, by section 17 of the Courts Matters Act 2018 (2018 No 50).

**22 Consequences of denial of entry to, or removal from, court**

- (1) A person denied entry to, or removed from, a court under any of sections 12(2), 13(2), 14(1)(b), 15(4), 17(4), or 18(1)(b) is entitled to enter the court if—
  - (a) he or she later complies with the relevant request; and
  - (b) he or she complies with any further requests under any of sections 12(1), 13(1), 15(1), and 17(2).
- (1A) A person denied entry to or removed from a court under section 18A is entitled to enter (or re-enter) the court if a court security officer (being an officer who is aware of the reasons why the person was denied entry to, or removed from, the court) is satisfied that the person will not behave in the way described in section 18A(1)(a) to (c) if allowed to enter (or re-enter) the court.
- (2) The fact that a person was denied entry to, or was removed from, a court under any of sections 12(2), 13(2), 14(1)(b), 15(4), 17(4), 18(1)(b), and 18A does not, by itself, give the person a reasonable excuse for not doing anything that the person—
  - (a) was required to enter the court to do; or
  - (b) wanted to enter the court to do; or
  - (c) was at the court to do.

Section 22(1)(b): amended, on 8 April 2019, by section 18(1) of the Courts Matters Act 2018 (2018 No 50).

Section 22(1A): inserted, on 8 April 2019, by section 18(2) of the Courts Matters Act 2018 (2018 No 50).

Section 22(2): amended, on 8 April 2019, by section 18(3) of the Courts Matters Act 2018 (2018 No 50).

**23 Duty of court security officer to inform of consequences when person denied entry or removed**

A court security officer who denies a person entry to, or removes a person from, a court under any of sections 12(2), 13(2), 14(1)(b), 15(4), 17(4), 18(1)(b), and 18A must at the same time tell the person the gist of section 22.

Section 23: amended, on 8 April 2019, by section 19 of the Courts Matters Act 2018 (2018 No 50).

*Limits on powers of court security officers*

**24 Powers not generally applicable to presiding judicial officers and other exempted persons**

- (1) This section applies to the following categories of persons:
- (a) Judges:
  - (b) Justices of the Peace whose names are on the list kept under section 6(1) of the Justices of the Peace Act 1957:
  - (c) Community Magistrates:
  - (d) registrars or deputy registrars of courts:
  - (e) coroners:
  - (f) persons holding office as referees under the Disputes Tribunal Act 1988:
  - (g) persons holding office as tenancy adjudicators under the Residential Tenancies Act 1986:
  - (ga) persons holding office as a member of a court, a tribunal, or any other body referred to in section 3(5)(l):
  - (h) individual persons, or classes of persons, while exempted from the application of sections 12 to 23 by the chief executive.
- (2) A court security officer may not exercise any of the powers or duties in sections 12 to 23 in relation to a person who the court security officer is satisfied is in at least 1 of the categories in subsection (1).
- (3) If a court security officer exercises the power in section 12(1)(a), and the person satisfies the officer that the person is in at least 1 of the categories in subsection (1), the officer may not exercise either of the powers in section 12(1)(b) or (c).

Section 24(1)(f): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 24(1)(ga): inserted, on 8 April 2019, by section 20(1) of the Courts Matters Act 2018 (2018 No 50).

Section 24(1)(h): amended, on 8 April 2019, by section 20(2) of the Courts Matters Act 2018 (2018 No 50).

**25 Powers not generally applicable to persons in custody of certain agencies**

- (1) This section applies to the following categories of persons:
- (a) persons in the custody of the Police:
  - (b) persons in the custody of security officers or officers under the Corrections Act 2004:
  - (c) persons who—
    - (i) have been placed in a residence established under section 364 of the Oranga Tamariki Act 1989; and

- (ii) have travelled from the residence to a court in the custody of one of the following custodians:
  - (A) a member of staff of the residence; or
  - (B) a social worker; or
  - (C) a person authorised by a social worker for the purpose; and
- (iii) are in the custody of such a custodian while in the court.

In this paragraph, **member of staff** and **social worker** have the meanings given to those terms by regulation 2 of the Children, Young Persons, and Their Families (Residential Care) Regulations 1996.

- (2) A court security officer may not exercise or carry out any of the powers or duties in sections 12 to 23 in relation to a person who a court security officer is satisfied is in one of the categories in subsection (1), unless—
  - (a) the person is about to appear before the court or is in the courtroom; and
  - (b) the security officer is authorised to exercise the power or carry out the duty under the terms of a general or specific instruction issued by a Judge or other presiding judicial officer under section 26(2)(a) or (b) or is exercising a power under section 29(2).
- (3) This section is subject to section 26.

Section 25(1)(b): amended, on 4 June 2013, by section 47 of the Corrections Amendment Act 2013 (2013 No 5).

Section 25(1)(b): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 25(1)(c)(i): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 25(2): replaced, on 8 April 2019, by section 21 of the Courts Matters Act 2018 (2018 No 50).

## 26 When powers applicable to persons in custody of certain agencies

- (1) In this section, **person about to appear** means a person who the court security officer is satisfied is in one of the categories in section 25(1)(a) or (c) and has been brought to the court to appear before a presiding judicial officer but has not yet appeared.
- (2) A court security officer may, at his or her own discretion if authorised by the relevant provision or a direction referred to in paragraph (b), or must, if so required by a direction of a Judge or other presiding judicial officer, exercise any of the powers in sections 13(1), 15(1) and (5), 15A, 16, 17(2), 19, 20(1), (2), and (3), and 21 in relation to a person about to appear if—
  - (a) the presiding judicial officer directs the court security officer, in specific language, to exercise any such power in relation to the person; or
  - (b) the court security officer is authorised or required to exercise the power in relation to the person by a direction about the use of the power

- (whether in general or specific terms) given by a Judge or other presiding judicial officer.
- (2A) To avoid doubt, if there is any inconsistency between a direction given under subsection (2)(b) and a subsequent direction given under subsection (2)(a), the direction under subsection (2)(a) prevails.
- (3) Subsection (4) applies if—
- (a) the court security officer exercises a power under any of sections 13(1), 15(1), 15A, or 17(2) under subsection (2); and
  - (b) either—
    - (i) the person about to appear does not comply with a request under section 13(1) or section 17(2); or
    - (ii) the person about to appear does not comply with a request under section 15(1) and is a person who the court security officer has no reasonable grounds to believe may recently have committed a specified offence in the court or in an area immediately adjacent to it or may be about to commit such an offence (that is, section 15(4) applies); and
  - (c) the presiding judicial officer directs the court security officer, in specific language, to act under subsection (4).
- (4) The court security officer may, without the consent of the person about to appear,—
- (a) carry out any search described in section 13(1); or
  - (b) seize any item that the person was asked to hand over to a court security officer under section 15(1); or
  - (ba) seize and dispose of any alcohol referred to in section 15A(1)(b); or
  - (c) seize any item that the person was asked to leave with a court security officer under section 17(2).
- (4A) For the purposes of subsection (2)(b),—
- (a) a head of bench may issue general instructions about the searching or screening of persons brought before the court in custody (including persons described in section 25(1));
  - (b) a Judge who sits at a particular place or particular places where the court sits may issue general instructions about the searching or screening of persons brought before the court in custody (including persons described in section 25(1)) in that place or those places, and those instructions apply irrespective of whether that Judge or another judicial officer is the presiding judicial officer on any occasion when the court is hearing proceedings at that place or those places.

- (4B) In the event of any inconsistency between an instruction under subsection (4A)(a) and an instruction under (4A)(b), the instruction under subsection (4A)(b) prevails.
- (5) The fact that a presiding judicial officer directs the exercise of a power in any of sections 13(1)(e), 13(1)(f), 15(5), 15A, 16, 17(2), 19, and 20(1), (2), and (3) constitutes reasonable grounds for the direction and for the exercise of the power.

Section 26(1): amended, on 8 April 2019, by section 22(1) of the Courts Matters Act 2018 (2018 No 50).

Section 26(2): replaced, on 8 April 2019, by section 22(2) of the Courts Matters Act 2018 (2018 No 50).

Section 26(2A): inserted, on 8 April 2019, by section 22(2) of the Courts Matters Act 2018 (2018 No 50).

Section 26(3)(a): amended, on 8 April 2019, by section 22(3) of the Courts Matters Act 2018 (2018 No 50).

Section 26(4)(ba): inserted, on 8 April 2019, by section 22(4) of the Courts Matters Act 2018 (2018 No 50).

Section 26(4A): inserted, on 8 April 2019, by section 22(5) of the Courts Matters Act 2018 (2018 No 50).

Section 26(4B): inserted, on 8 April 2019, by section 22(5) of the Courts Matters Act 2018 (2018 No 50).

Section 26(5): amended, on 8 April 2019, by section 22(6)(a) of the Courts Matters Act 2018 (2018 No 50).

Section 26(5): amended, on 8 April 2019, by section 22(6)(b) of the Courts Matters Act 2018 (2018 No 50).

## **27 Powers not generally applicable in courtroom where proceedings being heard**

A court security officer may not exercise any of the powers or duties in sections 12 to 23 in a courtroom where proceedings are being heard. This section is subject to section 28.

## **28 When powers applicable in courtroom where proceedings being heard**

- (1) If either of the sets of circumstances in subsection (2) apply, a court security officer may exercise any of the powers in section 12(1), 13(1), 15(1), 15(5), 15A, 16, 17(2), 18A, 19, 19A, 20(1), (2), or (3), 20A, or 21 in a courtroom where proceedings are being heard.
- (2) The circumstances are—
- (a) the presiding judicial officer directs the court security officer, in specific or general language, to exercise any such power in relation to a person; or
  - (b) the court security officer has reasonable grounds to believe—

- (i) that a person may recently have committed a specified offence in the court or in an area immediately adjacent to it or may be about to commit such an offence; and
  - (ii) that it is not practicable to wait for a direction under paragraph (a).
- (2A) A court security officer may exercise any of the powers conferred by an enactment on a presiding judicial officer to detain a person for contempt for a period specified by the judicial officer, or to remove a disruptive person from the courtroom for contempt, if the presiding judicial officer directs the court security officer to exercise those powers.
- (3) Subsection (4) applies if—
  - (a) the court security officer exercises a power under any of sections 12(1), 13(1), 15(1), 15A, or 17(2) under subsection (2)(a); and
  - (b) either—
    - (i) the person does not comply with a request under sections 12(1), 13(1), 15A, or 17(2); or
    - (ii) the person does not comply with a request under section 15(1) and is a person who the court security officer has no reasonable grounds to believe may recently have committed a specified offence in the court or in an area immediately adjacent to it or may be about to commit such an offence (that is, section 15(4) applies); and
  - (c) the presiding judicial officer directs the court security officer, in specific language, to act under subsection (4).
- (4) The court security officer may, without the consent of the person,—
  - (a) search the person and seize from him or her any evidence described in section 12(1)(b); or
  - (b) carry out any search described in section 13(1); or
  - (c) seize any item that the person was asked to hand over to a court security officer under section 15(1); or
  - (ca) seize and dispose of any alcohol referred to in section 15A(1)(b); or
  - (d) seize any item that the person was asked to leave with a court security officer under section 17(2).
- (5) The fact that a presiding judicial officer directs the exercise of a power in any of sections 12(1)(c), 13(1)(e), 13(1)(f), 15(5), 15A, 16, 17(2), 18A, 19, 19A, 20(1), (2), and (3), and 20A constitutes reasonable grounds for the direction and for the exercise of the power.
- (6) Subsection (7) applies if—
  - (a) the court security officer exercises a power under any of sections 12(1), 13(1), 15(1), 15A, and 17(2) under subsection (2)(b); and

- (b) the person does not comply with a request under any of sections 12(1), 13(1), 15(1), 15A, and 17(2).
- (7) The court security officer must, as soon as reasonably practicable, tell the presiding judicial officer what has occurred and seek his or her direction.
- Section 28(1): replaced, on 8 April 2019, by section 23(1) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(2A): inserted, on 8 April 2019, by section 23(3) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(3)(a): amended, on 8 April 2019, by section 23(2) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(3)(b)(i): amended, on 8 April 2019, by section 23(4) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(4)(ca): inserted, on 8 April 2019, by section 23(5) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(5): amended, on 8 April 2019, by section 23(6) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(6)(a): amended, on 8 April 2019, by section 23(7) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(6)(b): amended, on 8 April 2019, by section 23(8) of the Courts Matters Act 2018 (2018 No 50).
- Section 28(6)(b): amended, on 8 April 2019, by section 23(9) of the Courts Matters Act 2018 (2018 No 50).

## **29 Powers not generally applicable if Police or other agencies involved**

- (1) A court security officer may not exercise any of the powers or duties in sections 12 to 23 in relation to a person while a Police officer or any other person referred to in section 25(1)(b) or (c) is dealing with the person. This subsection is subject to subsection (2).
- (2) A court security officer may exercise any of the powers or duties in sections 12 to 23 in relation to a person being dealt with by a Police officer or any other person referred to in section 25(1)(b) or (c), if the Police officer or other person requests the officer, in specific or general language, to do so.
- Section 29 heading: amended, on 8 April 2019, by section 24(1) of the Courts Matters Act 2018 (2018 No 50).
- Section 29(1): amended, on 8 April 2019, by section 24(2) of the Courts Matters Act 2018 (2018 No 50).
- Section 29(2): amended, on 8 April 2019, by section 24(3) of the Courts Matters Act 2018 (2018 No 50).

### *Offence to obstruct court security officer*

## **30 Offence to obstruct court security officer**

- (1) A person commits an offence who resists or assaults or wilfully obstructs, or incites or encourages any person to resist, assault, or obstruct,—
- (a) a court security officer who is exercising any of the powers or duties in sections 12 to 23 or 26 or 28; or

- (b) a person who is helping a court security officer to exercise any such power or duty.
- (2) A person who commits an offence against this section is liable on conviction by a court presided over by a District Court Judge or 2 or more justices to a fine not exceeding \$300 or to imprisonment for a term not exceeding 3 months.
- Compare: 1957 No 87 s 192(9)
- Section 30(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

### *Immunities*

#### **31 Immunity of court security officers**

A court security officer who exercises any of the powers or duties in sections 12 to 23 or 26 or 28 has all the protection and privileges of a constable for that exercise.

Compare: 1954 No 51 s 36L

#### **32 Immunity of persons helping court security officers**

- (1) This section applies to a person who—
- (a) believes in good faith that a court security officer needs help to exercise any of the powers or duties in sections 12 to 23 or 26 or 28; and
- (b) helps the court security officer to exercise any such power or duty; and
- (c) gives his or her help in a reasonable way.
- (2) Such a person has all the protection and privileges of a constable for giving his or her help.

### *Other related powers*

#### **33 Powers of other officials: court security officers may exercise**

- (1) This section applies to any power or duty relating to security in a courtroom where proceedings are being heard that is given to any official other than a court security officer or a Police officer, for example, the power given to an officer of the court by section 165 of the Senior Courts Act 2016.
- (2) A court security officer may exercise any such power or duty if the presiding judicial officer directs the officer, in specific language, to do so.

Section 33(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

#### **34 Powers of court security officers: Police officers may exercise**

Every Police officer has and may exercise all or any of the powers and duties given to a court security officer by this Act.

Compare: 1990 No 98 s 87

**35 Powers of other persons not affected**

- (1) The powers in this Act are in addition to, and do not derogate from, any other powers given to or possessed by any court, Judge or other presiding judicial officer, or person relating to—
- (a) the conduct of proceedings in a courtroom or the regulation of the conduct of persons in a courtroom; or
  - (b) the maintenance of security elsewhere in a court.
- (2) Nothing in this Act affects any other power of a court in relation to contempt of court or any other similar power.

Section 35(1): amended, on 14 November 2018, by section 25(1) of the Courts Matters Act 2018 (2018 No 50).

Section 35(2): amended, on 14 November 2018, by section 25(2) of the Courts Matters Act 2018 (2018 No 50).

*Regulations***36 Regulations**

The Governor-General may, from time to time, by Order in Council, make regulations—

- (a) declaring a specified court or tribunal to be a body to which this Act applies:
- (b) *[Repealed]*
- (c) declaring any place described in the regulations to be a body to which this Act applies, either generally or for a specified period:
- (d) defining precisely the boundaries of a body to which this Act applies:
- (e) *[Repealed]*

Section 36(b): repealed, on 14 November 2018, by section 26 of the Courts Matters Act 2018 (2018 No 50).

Section 36(e): repealed, on 14 November 2018, by section 26 of the Courts Matters Act 2018 (2018 No 50).

## Reprints notes

### **1** *General*

This is a reprint of the Courts Security Act 1999 that incorporates all the amendments to that Act as at the date of the last amendment to it.

### **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, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **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*

Courts Matters Act 2018 (2018 No 50): Part 1

Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31): section 149

District Court Act 2016 (2016 No 49): section 261

Corrections Amendment Act 2013 (2013 No 5): section 47

Criminal Procedure Act 2011 (2011 No 81): section 413

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

Court Martial Appeals Amendment Act 2007 (2007 No 99): section 35

Corrections Act 2004 (2004 No 50): section 206

Supreme Court Act 2003 (2003 No 53): section 48(1)

State Sector Amendment Act 2003 (2003 No 41): section 14(1)