

**Reprint  
as at 1 October 2012**



**Search and Surveillance  
(Transitional Provision)  
Regulations 2012**

(SR 2012/87)

Search and Surveillance (Transitional Provision) Regulations 2012: revoked,  
on 1 October 2012, by regulation 5.

Jerry Mateparae, Governor-General

**Order in Council**

At Wellington this 14th day of May 2012

Present:

His Excellency the Governor-General in Council

Pursuant to section 356(1)(a) of the Search and Surveillance Act 2012, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Note**

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

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

**These regulations are administered by the Ministry of Justice.**

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## Regulations

- 1 Title**  
These regulations are the Search and Surveillance (Transitional Provision) Regulations 2012.
- 2 Commencement**  
These regulations come into force on the day after the date of their notification in the *Gazette*.
- 3 Interpretation**  
In these regulations, unless the context otherwise requires,—  
**Act** means the Search and Surveillance Act 2012  
**transitional period** means the period that commences on the commencement of these regulations and ends on the commencement of section 337(3) of the Act.
- 4 Section 198 of Summary Proceedings Act 1957 deemed, for certain purposes, to be specified in Schedule of Act**  
During the transitional period, section 198 of the Summary Proceedings Act 1957 is, for the purposes of section 51(a)(i) of the Act, deemed to be an enactment specified in column 2 of the Schedule of the Act.
- 5 Revocation**  
These regulations are revoked on the commencement of section 337(3) of the Act.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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### **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 the day after their notification in the *Gazette*, provide for a transitional matter in relation to the requirements for surveillance device warrants, which are set out in the Search and Surveillance Act 2012 (the **Act**).

The provisions of the Act that set out the requirements for those warrants came into force on 18 April 2012. Most of the other provisions of the Act, including provisions that will replace the current search warrant regime under the Summary Proceedings Act 1957, are not yet in force. Under the Act, a surveillance device warrant can be issued only if there are reasonable grounds to suspect that an offence has been committed in respect of which the Act or any enactment specified in the Schedule of the Act authorises an enforcement officer to apply for a warrant to enter premises. Doubts have been raised whether section 6 of the Act (which provides for the issue of search warrants to constables) can currently be relied on for that purpose as that section is not yet in force. Currently, the corresponding provision in the Summary Proceedings Act 1957 (section 198) is still in force and continues to be the provision under which search warrants are issued to constables.

Section 356 of the Act provides a power to make regulations for transitional purposes. This was inserted into the Act because it was realised that with such a complex piece of legislation, and the need for some parts to come into force ahead of other parts, there was a risk that an unforeseen problem might arise.

These regulations deem section 198 of the Summary Proceedings Act 1957 to be an enactment specified in the Schedule of the Act for the purposes of section 51(a)(i) of the Act. The regulations will be in effect during the period in which section 198 of the Summary Proceedings Act 1957 continues to be in force and until it is replaced by section 6 of the Act. During the transitional period in which the regulations are in force, section 198 of the Summary Proceedings

Act 1957 will therefore be the authorising provision that fulfils the precondition for the issue of surveillance device warrants.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 17 May 2012.

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## **Notes**

### **1 *General***

This is a reprint of the Search and Surveillance (Transitional Provision) Regulations 2012. The reprint incorporates all the amendments to the regulations as at 1 October 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint  
(most recent first)***

Search and Surveillance (Transitional Provision) Regulations 2012 (SR 2012/87): regulation 5

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