



Criminal Procedure (Consequential Amendments) Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 30th day of September 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 409 of the Criminal Procedure Act 2011, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Justice.

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Regulations

1 Title

These regulations are the Criminal Procedure (Consequential Amendments) Regulations 2013.

2 Commencement

These regulations come into force on 4 October 2013.

3 Consequential amendments to enactments made or enacted before 1 July 2013

- (1) The Acts specified in Part 1 of the Schedule are amended in the manner specified in that Part.
- (2) The regulations specified in Part 2 of the Schedule are amended in the manner specified in that Part.

Schedule

Consequential amendments

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Part 1

Amendments to Acts

Antarctica (Environmental Protection: Liability Annex) Amendment Act 2012 (2012 No 95)

In section 5(1), new section 37C(2), delete “summary”.

In section 5(1), new section 37D(2), delete “on indictment”.

Bail Act 2000 (2000 No 38)

In the cross-heading above section 15, delete “*or committed for trial or sentence*”.

Climate Change Response Act 2002 (2002 No 40)

In sections 259(2), 260(2), 261(2), 262, and 264(3), delete “summary”.

In section 263(2), delete “on indictment”.

In section 266, replace “section 14 of the Summary Proceedings Act 1957” with “section 25 of the Criminal Procedure Act 2011”.

In section 266, replace “an information” with “the limitation period”.

Part 1—*continued***Climate Change Response Act 2002 (2002 No 40)**—*continued*

In section 266(a), replace “may be laid at any time within” with “ends on the date that is”.

In section 266(a), replace “time when the matter of the information arose” with “date on which the offence was committed”.

In section 266(b), replace “may be commenced at any time within” with “ends on the date that is”.

In section 266(b), replace “time when the matter of the information arose” with “date on which the offence was committed”.

Copyright Act 1994 (1994 No 143)

In sections 134B(5), 134ZA(2), and 144I(4), delete “summary”.

Crown Minerals Act 1991 (1991 No 70)

In sections 101(3A) and 101B(4) and (5), delete “summary”.

Dairy Industry Restructuring Act 2001 (2001 No 51)

In sections 109F(3), 109J(4), 150D(6), 150E(3), 150F(3), 150G(3), 150N(3), and 150R(3), delete “summary”.

Education Act 1989 (1989 No 80)

In sections 226B(1A), 236(1) and (2), 292(4), 292A(2), 292C(4), 292D(2), 292E(5), 292F(3), and 292G(3), delete “summary”.

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)

In section 113, replace “Section 144 of the Summary Proceedings Act 1957” with “Subpart 8 of Part 6 of the Criminal Procedure Act 2011”.

In section 113, replace “section 107 of the Summary Proceedings Act 1957” with “section 300 of the Criminal Procedure Act 2011”.

In section 133(3) and (4), delete “summary”.

In section 136, replace “lay an information” with “file a charging document”.

Part 1—*continued***Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)**—*continued*

In section 137(1), replace “An information” with “Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period”.

In section 137(1), replace “may be laid no later than” with “ends on the date that is”.

In section 137(1), replace “time when” with “date on which”.

Repeal section 137(3).

In section 149(1), replace “Summary Proceedings Act 1957” with “Criminal Procedure Act 2011”.

In section 149(1)(c), replace “section 24 of the Summary Proceedings Act 1957” with “rules made under the Criminal Procedure Act 2011”.

In section 149(1)(c), replace “that section” with “those rules”.

Fisheries Act 1996 (1996 No 88)

In section 113Z(1)(b), replace “an information or charge has been laid” with “a charging document has been filed”.

Gas Act 1992 (1992 No 124)

In section 57C(4)(b), replace “laying of an information” with “filing of a charging document”.

Land Transport Management Act 2003 (2003 No 118)

In section 146(1), delete “summary”.

In section 147(1), delete “summary”.

In section 148, delete “summary”.

National Animal Identification and Tracing Act 2012 (2012 No 2)

In Schedule 2, in the following clauses, delete “summary”: 12(7), 13(4), 75(3), 76, 77(2), 78(6), 79(3), 80(2), 81, 82(3) and (4), 83(2), 84(2), and 85(2).

Part 1—*continued***National Animal Identification and Tracing Act 2012 (2012 No 2)**—*continued*

In Schedule 2, clause 39(2), replace “section 204 of the Summary Proceedings Act 1957” with “section 204 of the Summary Proceedings Act 1957 and section 379 of the Criminal Procedure Act 2011”.

In Schedule 2, clause 39(2), replace “provides” with “provide”.

In Schedule 2, clause 39(2), replace “does” with “do”.

In Schedule 2, heading to clause 90, replace “**Period within which information must be laid**” with “**Time for filing charging document**”.

In Schedule 2, clause 90, replace “An information” with “Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, a charging document”.

In Schedule 2, clause 90, replace “laid” with “filed”.

In Schedule 2, clause 90, replace “time when the matter giving rise to the information” with “date on which the matter giving rise to the charge”.

Petroleum Demand Restraint Act 1981 (1981 No 12)

In section 12, replace “accused” with “defendant”.

Public Works Act 1981 (1981 No 35)

In section 133(9), replace “laying of an information” with “filing of a charging document”.

Road User Charges Act 2012 (2012 No 1)

Repeal section 76(1).

In section 76(2), replace “section 14 of the Summary Proceedings Act 1957, an information” with “section 25 of the Criminal Procedure Act 2011, the limitation period”.

In section 76(2)(a), replace “may be laid at any time within” with “ends on the date that is”.

In section 76(2)(a), replace “time when the matter giving rise to the information arose” with “date on which the offence was committed”.

In section 76(2)(b), replace “may be laid within” with “ends on the date that is”.

Part 1—*continued***Road User Charges Act 2012 (2012 No 1)**—*continued*

In section 76(2)(b), replace “time when the matter giving rise to the information arose” with “date on which the offence was committed”.

In section 81(1)(a), replace “summarily under the Summary Proceedings Act 1957” with “by filing a charging document under section 14 of the Criminal Procedure Act 2011”.

In section 81(2), replace “Despite anything in section 21 of the Summary Proceedings Act 1957,” with “Proceedings commenced in the way described in subsection (1)(a) do not require”.

In section 81(2), replace “to lay an information is not necessary where an infringement offence is proceeded with summarily” with “under section 21(1)(a) of the Summary Proceedings Act 1957”.

Sale and Supply of Alcohol Act 2012 (2012 No 120)

In section 209(3), replace “section 78 of the Summary Proceedings Act 1957” with “subpart 8 of Part 6 of the Criminal Procedure Act 2011”.

In section 209(3), delete “as if the reference in subsection (3) of that section to either party were a reference to any party to the proceedings before the licensing authority”.

In section 210(2), replace “section 78 of the Summary Proceedings Act 1957” with “subpart 8 of Part 6 of the Criminal Procedure Act 2011”.

In section 210(2), delete “as if the reference in subsection (3) of that section to either party were a reference to any party to the proceedings before the licensing authority”.

In section 261(1)(a), replace “laying of an information under the Summary Proceedings Act 1957” with “filing of a charging document under the Criminal Procedure Act 2011”.

In section 278(1), replace “lays an information” with “files a charging document”.

In section 278(1), replace “the information” with “the charging document”.

In Schedule 2, item relating to the Civil Aviation Act 1990, new section 96(3)(b), delete “summary”.

Part 1—*continued***Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012 (2012 No 1 (L))**

In section 7(2)(a), replace “under the Summary Proceedings Act 1957” with “by filing a charging document under section 14 of the Criminal Procedure Act 2011”.

Statistics Act 1975 (1975 No 1)

In section 45A(2), delete “summary”.

Student Loan Scheme Act 2011 (2011 No 62)

In the heading to section 165, replace “**Charge**” with “**Charging document**”.

In section 165(1), replace “A charge” with “A charging document”.

Te Ture Whenua Maori Act 1993 (1993 No 4)

In section 280(7)(h), replace “information should be laid” with “charging document should be filed”.

Trade Marks Act 2002 (2002 No 49)

In sections 134B(5), 134ZA(2), and 155J(4), delete “summary”.

United Nations Act 1946 (1946 No 7)

In section 3(2), replace “accused” with “defendant”.

Part 2

Amendments to regulations

Corrections Regulations 2005 (SR 2005/53)

In regulation 186(5), delete “and committed”.

Electricity (Safety) Regulations 2010 (SR 2010/36)

In the following regulations, delete “summary”: 13(5), 14(2), 14A(4), 15(3) and (4), 16(2), 17(3) and (4), 18(2), 18A(3), 19(3), 27(5), 28(3), 29(3), 30(2), 31(4), 32(2), 33(7), 34(4) and (5), 35(2), 36(2), 38(4), 40(3) and (4), 41(5), 42(3), 43(3), 44(3), 45(2), 46(2), 56, 58(4), 61A(3), 63(3), 64(2), 69, 73, 73B, 74(4), 74D, 74H, 75(5),

Part 2—*continued***Electricity (Safety) Regulations 2010 (SR 2010/36)**—*continued*

(6), and (7), 76(2), 77(2), 78(7), 80(4), 82(1) and (2), 83(4), 84(3), 87(6), 88(3), 89(3), 90(4), 91(4) and (5), 107, 110(5), and 111C.

Engine Fuel Specifications Regulations 2011 (SR 2011/352)

In regulation 22, delete “summary”.

Fisheries (Sharks—High Seas Protection) Regulations 2012 (SR 2012/355)

In regulation 5(2), delete “summary”.

Futures Contracts (NZCDC Settlement System and NZX Derivatives Market) Exemption Notice 2010 (SR 2010/304)

In clause 6(f)(iii), replace “an indictable offence” with “an offence punishable by 2 or more years’ imprisonment”.

Gas (Safety and Measurement) Regulations 2010 (SR 2010/76)

In the following regulations, delete “summary”: 9(6), 10(3), 14A(4), 15(2), 16(4), 17(2), 18(2), 19(3), 21(5), 22(6), (7), and (8), 23(3), 25(3), 26(4), 27(4), 28(3) and (4), 40, 41(5), 42(3), 43(4), 44(6), 45(2), 50, 52, 52A(6), 52C(2), 52F, 52J, 53(4), 54(4) and (5), 56, 58(1), (2), and (3), 59(5), 60(3), 63(6), 66(3), 68, 70(5), 71(3), 72(3) and (4), 73(3), 74(4), 75(2), 76(6), 77(7), 78(8), 79(3) and (4), 80(3), 81(3), 82(3), 83(4) and (5), 84(5), 85C, 86(5), 88(2), 89, and 96(3).

Land Transport (Infringement and Reminder Notices) Regulations 2012 (SR 2012/111)

In the following paragraphs, after “under”, insert “the Criminal Procedure Act 2011 or”:

- (a) Schedule 2, paragraph 7:
- (b) Schedule 4, paragraph 7:
- (c) Schedule 5, paragraph 7:
- (d) Schedule 5, paragraph 11:
- (e) Schedule 8, paragraph 7.

Part 2—*continued***Social Security (Income and Cash Assets Exemptions)
Regulations 2011 (SR 2011/287)**

In regulation 36, definition of **crime**, replace paragraphs (a) and (b) with:

- “(a) is liable on conviction to imprisonment for life or to imprisonment for more than 3 months; or
- “(b) would have been liable on conviction to imprisonment for life or to imprisonment for more than 3 months but for circumstances (for example, where the offender has died)”.

**Te Waikoropupū Springs Scenic Reserve Bylaws 2011
(SR 2011/296)**

In bylaw 20, delete “summary”.

**Waikato-Tainui (Waikato River Fisheries) Regulations 2011
(SR 2011/294)**

In regulation 27(1) and (2), delete “summary”.

Rebecca Kitteridge,
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 4 October 2013, are made under the Criminal Procedure Act 2011 (the **Act**). They amend enactments made or enacted before 1 July 2013, by omitting or modifying specified references, to make the enactments consistent with the Act.

**Criminal Procedure (Consequential
Amendments) Regulations 2013**

2013/409

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 October 2013.
These regulations are administered by the Ministry of Justice.
