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Summary Proceedings Act 1957

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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[Repealed]

Title *[Repealed]*

Title: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

1 Title and commencement

(1) This Act may be cited as the Summary Proceedings Act 1957.

(2) This Act shall come into force on 1 April 1958.

Section 1 heading: amended, on 1 July 2013, by section 7(1) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

adjudged includes ordered

bank—

(a) means—

(i) a person carrying on in New Zealand the business of banking; and

(ii) a credit union within the meaning of the Friendly Societies and Credit Unions Act 1982; and

(iii) a building society within the meaning of the Building Societies Act 1965; but

(b) does not include the Reserve Bank of New Zealand continued under the Reserve Bank of New Zealand Act 2021 (except in relation to an account maintained by that bank for an employee of the bank)

benefit—

(a) means a benefit as defined in Schedule 2 of the Social Security Act 2018; but

(b) does not include—

(i) an orphan's benefit under section 43 of the Social Security Act 2018; or

(ii) an unsupported child's benefit under section 46 of that Act; or

(iii) a winter energy payment under section 72 of that Act; or

(iv) a child disability allowance payable under section 78 of the Social Security Act 2018; or

(v) a disability allowance payable under section 85 of the Social Security Act 2018; or

(vi) a special benefit continued under section 23 of the Social Security (Working for Families) Amendment Act 2004 (as that section is saved by clause 19 of Schedule 1 of the Social Security Act 2018); or

(vii) temporary additional support under section 96 of the Social Security Act 2018

constable has the meaning given in section 4 of the Policing Act 2008

conviction includes an order; and **convicted** has a corresponding meaning

court means the District Court constituted under the District Court Act 2016

Crown organisation has the same meaning as in section 4 of the Crown Organisations (Criminal Liability) Act 2002

defendant means any person charged with an offence; and includes—

(a) in relation to an infringement offence for which an infringement notice has been issued, any person served with a reminder notice in respect of the offence, or any person who gives notice requesting a hearing in respect of the offence, pursuant to section 21; and

(b) a Crown organisation, if proceedings are brought against that organisation for an offence referred to in section 6 of the Crown Organisations (Criminal Liability) Act 2002

impoundment period, in relation to a motor vehicle that is impounded under the Land Transport Act 1998, means,—

(a) for a vehicle impounded under section 96, 96AAB, or 96A of that Act, the 28-day period for which the vehicle would otherwise be required to be impounded:

(b) for a vehicle impounded under section 96AAA of that Act, the 6-month period for which the vehicle would otherwise be required to be impounded

informant, in relation to an infringement offence for which an infringement notice has been issued, includes the department, local body, or other authority in or by which the officer or employee who issued the notice was employed

infringement fee, in relation to an infringement offence, means the amount fixed as the infringement fee for the offence by or under the Act under which the offence is created

infringement notice means a notice issued under—

(a) *[Repealed]*

(b) section 14 of the Litter Act 1979; or

(baa) section 514 of the Financial Markets Conduct Act 2013; or

(ba) section 207Z of the Companies Act 1993; or

(bb) section 63 of the Customer and Product Data Act 2025; or

(c) section 32A of the Weights and Measures Act 1987; or

(ca) section 57C of the Gas Act 1992; or

(d) section 373 of the Civil Aviation Act 2023; or

(da) section 129 of the Plumbers, Gasfitters, and Drainlayers Act 2006; or

(e) section 159 or section 159A of the Biosecurity Act 1993; or

(ea) section 112 of the Hazardous Substances and New Organisms Act 1996; or

(f) section 66 of the Dog Control Act 1996; or

(fa) section 165B of the Electricity Act 1992; or

(fb) section 40D of the Fair Trading Act 1986; or

(g) section 139 of the Land Transport Act 1998; or

(gaa) section 162 of the Incorporated Societies Act 2022; or

(ga) section 104D of the Crown Minerals Act 1991; or

(h) section 260A of the Fisheries Act 1996; or

(ha) section 105C of the Credit Contracts and Consumer Finance Act 2003; or

(hb) section 400 of the Customs and Excise Act 2018; or

(hc) section 276 of the Reserve Bank of New Zealand Act 2021; or

(i) section 162 of the Animal Welfare Act 1999; or

(ia) section 51X of the Conservation Act 1987; or

(ib) section 27E of the Marine Mammals Protection Act 1978; or

(ic) section 21D of the Marine Reserves Act 1971; or

(id) section 71K of the National Parks Act 1980; or

(ie) section 105L of the Reserves Act 1977; or

(if) section 50E of the Trade in Endangered Species Act 1989; or

(ig) section 31I of the Wild Animal Control Act 1977; or

(ih) section 70W of the Wildlife Act 1953; or

(ii) section 58 of the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025; or

(j) section 357 of the Gambling Act 2003; or

(jaa) section 235A of the Employment Relations Act 2000; or

(ja) section 74 of the Psychoactive Substances Act 2013; or

(jb) section 138 of the Health and Safety at Work Act 2015; or

(jba) section 82 of the Outer Space and High-altitude Activities Act 2017; or

(jc) section 153 of the Fire and Emergency New Zealand Act 2017; or

(jca) section 219 of the Food Act 2014; or

(jd) section 125B of the Animal Products Act 1999; or

(je) section 96B of the Wine Act 2003; or

(jea) section 126C of the Residential Tenancies Act 1986; or

(jf) section 30Q of the Climate Change Response Act 2002; or

(jg) section 20D or 89 of the Smokefree Environments and Regulated Products Act 1990; or

(jga) section 97 of the Organic Products and Production Act 2023; or

(jh) section 30 of the COVID-19 Public Health Response Act 2020; or

(ji) section 70 of the Data and Statistics Act 2022; or

(jj) section 27 of the Freedom Camping Act 2011; or

(jk) section 362 of the Immigration Act 2009; or

(jk) *[Repealed]*

(jl) section 122 of the Geographical Indications Registration Act 2006; or

(jm) section 272 of the Local Government (Water Services) Act 2025; or

(jn) section 279 of the Arms Act 2026; or

(jn) section 38C of the Summary Offences Act 1981; or

(k) any provision of any other Act providing for the use of the infringement notice procedure under section 21

infringement offence means any offence under any Act in respect of which a person may be issued with an infringement notice

Police employee has the same meaning as in section 4 of the Policing Act 2008

Registrar means the Registrar of a court; and includes any Deputy Registrar.

(2) *[Repealed]*

Section 2(1) **bank**: inserted, on 1 November 1998, by section 2 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 2(1) **bank** paragraph (b): amended, on 1 July 2022, by section 300(1) of the Reserve Bank of New Zealand Act 2021 (2021 No 31).

Section 2(1) **benefit**: replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 2(1) **committal for trial**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **constable**: replaced, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 2(1) **court**: replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 2(1) **court nearest to the committing court**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **Crown organisation**: inserted, on 18 October 2002, by section 29(1) of the Crown Organisations (Criminal Liability) Act 2002 (2002 No 37).

Section 2(1) **defendant**: replaced, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **impoundment period**: inserted, on 1 March 2024, by section 44 of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 2(1) **indictable offence**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **informant**: replaced, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **infringement fee**: inserted, on 1 November 1987, by section 2(3) of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 2(1) **infringement notice**: replaced, on 1 July 1996, by section 79 of the Dog Control Act 1996 (1996 No 13).

Section 2(1) **infringement notice** paragraph (a): repealed, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 2(1) **infringement notice** paragraph (baa): inserted, on 1 April 2014, by section 150 of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 2(1) **infringement notice** paragraph (ba): replaced, on 1 April 2014, by section 126 of the Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102).

Section 2(1) **infringement notice** paragraph (bb): inserted, on 30 March 2025, by section 153 of the Customer and Product Data Act 2025 (2025 No 14).

Section 2(1) **infringement notice** paragraph (ca): inserted, on 4 May 2010, by section 18 of the Gas Amendment Act 2006 (2006 No 71).

Section 2(1) **infringement notice** paragraph (d): replaced, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **infringement notice** paragraph (da): inserted, on 1 April 2010, by section 185 of the Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74).

Section 2(1) **infringement notice** paragraph (e): replaced, on 7 May 1999, by section 6 of the Biosecurity Amendment Act 1999 (1999 No 29).

Section 2(1) **infringement notice** paragraph (ea): inserted, on 1 December 2017, by section 55 of the Hazardous Substances and New Organisms Amendment Act 2015 (2015 No 72).

Section 2(1) **infringement notice** paragraph (f): replaced, on 9 October 2006, by section 4 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 2(1) **infringement notice** paragraph (fa): replaced, on 1 April 2010, by section 43 of the Electricity Amendment Act 2006 (2006 No 70).

Section 2(1) **infringement notice** paragraph (fb): replaced, on 17 June 2014, by section 30 of the Fair Trading Amendment Act 2013 (2013 No 143).

Section 2(1) **infringement notice** paragraph (g): replaced, on 9 October 2006, by section 4 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 2(1) **infringement notice** paragraph (gaa): inserted, on 5 April 2026, by section 270(1) of the Incorporated Societies Act 2022 (2022 No 12).

Section 2(1) **infringement notice** paragraph (gaa): editorial change made by the PCO, on 29 April 2026, under sections 86(1) and 87(l)(iii) of the Legislation Act 2019 (2019 No 58).

Section 2(1) **infringement notice** paragraph (ga): inserted, on 2 December 2021, by section 29 of the Crown Minerals (Decommissioning and Other Matters) Amendment Act 2021 (2021 No 53).

Section 2(1) **infringement notice** paragraph (h): inserted, on 9 October 2006, by section 4 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 2(1) **infringement notice** paragraph (ha): inserted, on 6 June 2015, by section 82 of the Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33).

Section 2(1) **infringement notice** paragraph (hb): inserted, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 2(1) **infringement notice** paragraph (hc): inserted, on 1 July 2022, by section 300(1) of the Reserve Bank of New Zealand Act 2021 (2021 No 31).

Section 2(1) **infringement notice** paragraph (i): inserted, on 9 October 2006, by section 4 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 2(1) **infringement notice** paragraph (ia): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (ib): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (ic): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (id): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (ie): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (if): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (ig): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (ih): inserted, on 21 December 2018, by section 72 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement notice** paragraph (ii): inserted, on 25 October 2025, by section 78 of the Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 (2025 No 54).

Section 2(1) **infringement notice** paragraph (j): inserted, on 9 October 2006, by section 4 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 2(1) **infringement notice** paragraph (jaa): inserted (as paragraph (ja)), on 1 April 2016, by section 39 of the Employment Relations Amendment Act 2016 (2016 No 9).

Section 2(1) **infringement notice** paragraph (ja): inserted, on 18 July 2013, by section 110(1) of the Psychoactive Substances Act 2013 (2013 No 53).

Section 2(1) **infringement notice** paragraph (jb): inserted, on 4 April 2016, by section 232 of the Health and Safety at Work Act 2015 (2015 No 70).

Section 2(1) **infringement notice** paragraph (jba): inserted, on 21 December 2017, by section 91(2) of the Outer Space and High-altitude Activities Act 2017 (2017 No 29).

Section 2(1) **infringement notice** paragraph (jc): inserted, on 1 July 2017, by section 197 of the Fire and Emergency New Zealand Act 2017 (2017 No 17).

Section 2(1) **infringement notice** paragraph (jca): inserted, on 2 March 2018, by section 253(3) of the Food Safety Law Reform Act 2018 (2018 No 3).

Section 2(1) **infringement notice** paragraph (jd): inserted, on 2 March 2018, by section 253(3) of the Food Safety Law Reform Act 2018 (2018 No 3).

Section 2(1) **infringement notice** paragraph (je): inserted, on 2 March 2018, by section 253(3) of the Food Safety Law Reform Act 2018 (2018 No 3).

Section 2(1) **infringement notice** paragraph (jea): inserted, on 11 February 2021, by section 82 of the Residential Tenancies Amendment Act 2020 (2020 No 59).

Section 2(1) **infringement notice** paragraph (jf): inserted, on 23 June 2020, by section 279 of the Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22).

Section 2(1) **infringement notice** paragraph (jg): inserted, on 11 November 2020, by section 30 of the Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62).

Section 2(1) **infringement notice** paragraph (jg): amended, on 28 November 2021, by section 11(2) of the Smoke-free Environments (Prohibiting Smoking in Motor Vehicles Carrying Children) Amendment Act 2020 (2020 No 19).

Section 2(1) **infringement notice** paragraph (jga): inserted, on 6 April 2023, by section 166(2) of the Organic Products and Production Act 2023 (2023 No 14).

Section 2(1) **infringement notice** paragraph (jh): inserted, on 20 November 2021, by section 30 of the COVID-19 Public Health Response Amendment Act 2021 (2021 No 48).

Section 2(1) **infringement notice** paragraph (ji): inserted, on 1 September 2022, by section 106 of the Data and Statistics Act 2022 (2022 No 39).

Section 2(1) **infringement notice** paragraph (jj): inserted, on 7 June 2023, by section 58 of the Self-contained Motor Vehicles Legislation Act 2023 (2023 No 24).

Section 2(1) **infringement notice** paragraph (jk): inserted, on 6 January 2024, by section 15 of the Worker Protection (Migrant and Other Employees) Act 2023 (2023 No 36).

Section 2(1) **infringement notice** paragraph (jk): repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 2(1) **infringement notice** paragraph (jl): inserted, on 1 May 2024, by section 87 of the European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10).

Section 2(1) **infringement notice** paragraph (jm): inserted, on 27 August 2025, by section 172 of the Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43).

Section 2(1) **infringement notice** paragraph (jn): inserted, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 2(1) **infringement notice** paragraph (jn): inserted, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

Section 2(1) **infringement notice** paragraph (k): inserted, on 9 October 2006, by section 4 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 2(1) **infringement offence**: inserted, on 1 November 1987, by section 2(3) of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 2(1) **medical practitioner**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **minor traffic offence**: repealed, on 1 November 1987, by section 2(4) of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 2(1) **Police employee**: inserted, on 13 February 2012, by section 4 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 2(1) **representative**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **sentenced to detention**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **summary offence**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(1) **trial Judge**: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 2(2): repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

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

3 Application of certain provisions of Crimes Act 1961

[Repealed]

Section 3: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Part 1
Criminal jurisdiction of District Court

[Repealed]

Part 1: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

4 Summary criminal jurisdiction of court

[Repealed]

Section 4: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

5 Jurisdiction in relation to committal for indictable offences

[Repealed]

Section 5: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

6 Summary jurisdiction in respect of indictable offences

[Repealed]

Section 6: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

7 Maximum penalty on summary conviction for indictable offence

[Repealed]

Section 7: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

8 Other jurisdictions and powers not affected

[Repealed]

Section 8: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9 Jurisdiction of District Court Judges in respect of summary offences

[Repealed]

Section 9: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9A Jurisdiction of Justices in respect of summary offences

[Repealed]

Section 9A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9B Jurisdiction of Community Magistrates in respect of summary offences

[Repealed]

Section 9B: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9C Jurisdiction of Community Magistrates to impose sentences in respect of certain summary offences

[Repealed]

Section 9C: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9D Power to impose penalties provided for in Land Transport Act 1998

[Repealed]

Section 9D: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9E Ancillary powers under Criminal Justice Act 1985, Sentencing Act 2002, and Land Transport Act 1998, and Criminal Procedure Act 2011

[Repealed]

Section 9E: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9F Power of Community Magistrates to decline jurisdiction

[Repealed]

Section 9F: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

9G Power to transfer matter to court presided over by District Court Judge

[Repealed]

Section 9G: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

10 Jurisdiction in respect of fugitive offenders

[Repealed]

Section 10: repealed, on 1 September 1999, by section 111 of the Extradition Act 1999 (1999 No 55).

Part 2
Procedure for infringement offences

Part 2 heading: replaced, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

11 Application of this Part

[Repealed]

Section 11: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

12 Commencement of proceedings

[Repealed]

Section 12: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Information

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

13 Any person may lay an information

[Repealed]

Section 13: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

14 Time for laying information

[Repealed]

Section 14: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

15 Information to be in prescribed form and upon oath

[Repealed]

Section 15: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

16 Information to be for 1 offence only

[Repealed]

Section 16: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

17 Information to contain sufficient particulars

[Repealed]

Section 17: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

17A Certain informations to disclose range of penalties

[Repealed]

Section 17A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

18 Information to be filed in nearest court

[Repealed]

Section 18: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Summons and warrant

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

19 Issue of summons or warrant to arrest defendant

[Repealed]

Section 19: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

19A Summons following arrest

[Repealed]

Section 19A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

19B Summons following evidential breath test

[Repealed]

Section 19B: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

20 Issue of summons or warrant for attendance of witness

[Repealed]

Section 20: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

20A Summary procedure for minor offences

[Repealed]

Section 20A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

21 Procedure for infringement offences

(1) Proceedings in respect of an infringement offence may be commenced—

(a) with the leave of a District Court Judge or a Registrar, by filing a charging document under the Criminal Procedure Act 2011; or

(b) where an infringement notice has been issued in respect of the offence, by providing particulars of a reminder notice in accordance with subsections (4) and (4A), or by filing a notice of hearing in a court, under this section.

(2) Where—

(a) an infringement notice has been issued in respect of an infringement offence; and

(b) on the expiration of 28 days from the date of service of the notice, or a copy of the notice,—

(i) the infringement fee for the offence has not been paid to the informant by a payment method specified in the notice; and

(ii) the informant has not received, at the address specified in the infringement notice, a notice requesting a hearing in respect of the offence,—

the informant may serve on the person or one of the persons served with the infringement notice, or a copy of the infringement notice, a reminder notice that contains the same or substantially the same particulars as the infringement notice.

(2AA) The reminder notice referred to in subsection (2) and subsection (3C) must,—

(a) if a form has been prescribed in any other Act or in regulations made under any other Act for the relevant infringement offence or the relevant class of infringement offences, be in that form; or

(b) if no form has been so prescribed, be in the general form prescribed in regulations made under this Act.

(2A) For the purposes of this section, a reminder notice that is in a form prescribed under any Act or in any regulations made under that Act is to be treated as containing substantially the same particulars as the relevant infringement notice under that Act or those regulations.

(3) The informant may provide particulars of the reminder notice in accordance with subsections (4) and (4A) if—

(a) a reminder notice has been served under subsection (2); and

(b) on the expiration of 28 days from the date of service of that notice,—

(i) the infringement fee for the offence has not been paid to the informant by a payment method specified in the notice; and

(ii) the informant has not received, at the address specified in the infringement notice, a notice requesting a hearing in respect of the offence.

(3A) If—

(a) the informant has not provided particulars of a reminder notice under subsection (3), in accordance with subsections (4) and (4A); and

(b) the informant has instituted the necessary management and accounting systems to allow the infringement fee to be paid to the informant by instalments,—

the informant may, but is not required to, enter into an arrangement allowing the infringement fee to be paid to the informant by instalments.

(3B) An arrangement under subsection (3A) must—

(a) be entered into before the close of the date that is 6 months from the time when the infringement offence is alleged to have been committed; and

(b) be completed before the close of the date that is 12 months from the time when the infringement offence is alleged to have been committed.

(3C) If the informant has entered into an arrangement under subsection (3A), and default is made in the payment of any instalment, the informant may,—

(a) despite subsection (3B)(a), enter into another arrangement under subsection (3A) allowing the infringement fee to be paid to the informant by instalments; or

(b) serve on the defendant or 1 of the defendants served with the infringement notice, or a copy of the infringement notice, a reminder notice in the prescribed form containing the same or substantially the same particulars as the infringement notice.

(3D) The informant may provide particulars of the reminder notice in accordance with subsections (4) and (4A) if—

(a) a reminder notice has been served under subsection (3C)(b); and

(b) on the expiration of 28 days from the date of service of that notice, the infringement fee for the infringement offence has not been paid to the informant by a payment method specified in the notice.

(4) For the purposes of subsections (1), (3), and (3D) and subsections (4A) to (5A), the **particulars of a reminder notice** are—

(a) the contents of the reminder notice, or such parts of the reminder notice that are prescribed as the particulars for the purposes of this subsection; and

(b) any particulars relating to the service of the infringement notice and reminder notice that may be prescribed; and

(c) any other particulars that may be prescribed.

(4A) The particulars described in subsection (4)—

(a) must be provided by the informant in electronic form in a manner and by means of an electronic system approved by the chief executive of the Ministry of Justice; and

(b) once provided, must, for the purposes of any enactment or rule of law, be treated as information held in a court in relation to its judicial functions.

(4B) Particulars of a reminder notice provided under subsection (3) or subsection (3D), and in accordance with subsection (4A), must be verified by the Ministry of Justice to ensure they contain the particulars described in subsection (4)(a) and (b), in accordance with a procedure approved by the chief executive of the Ministry of Justice.

(4C) When particulars of a reminder notice provided under subsection (3) or subsection (3D) are verified under subsection (4B) as containing the particulars described in subsection (4)(a) and (b), the reminder notice is deemed to have been filed in the court appointed for the exercise of the criminal jurisdiction which is the nearest by the most practicable route to the place where the offence was alleged to have been committed.

(5) If,—

(a) under subsection (3), particulars of a reminder notice are provided before the close of the date that is 6 months after the date on which the infringement offence is alleged to have been committed; and

(b) those particulars are verified under subsection (4B),—

then the court in which the reminder notice is deemed, by subsection (4C), to have been filed is also deemed to have made an order (as if on the determination of a charge in respect of the offence) that the defendant pay a fine equal to the amount of the infringement fee then remaining unpaid for the offence together with costs of the prescribed amount.

(5A) If,—

(a) under subsection (3D), particulars of a reminder notice are provided before the close of the date that is 12 months after the date on which the infringement offence is alleged to have been committed; and

(b) those particulars are verified under subsection (4B),—

then the court in which the reminder notice is deemed, by subsection (4C), to have been filed is also deemed to have made an order (as if on the determination of a charge in respect of the offence) that the defendant pay a fine equal to the amount of the infringement fee then remaining unpaid for the offence together with costs of the prescribed amount.

(5AB) An order under subsection (5) or subsection (5A) is deemed to have been made on the date that the relevant reminder notice is deemed to have been filed under subsection (4C).

(5B) If the informant has entered into an arrangement under subsection (3A) or subsection (3C)(a), no defendant may give notice requesting a hearing in respect of the infringement offence to which the arrangement applies.

(6) A notice requesting a hearing in respect of an infringement offence must—

(a) be in writing signed by the person or one of the persons served with the infringement notice in respect of the offence, or a copy of the infringement notice; and

(b) be delivered to the informant at the address specified in the infringement notice before or within 28 days after service of a reminder notice in respect of the offence, or within such further time as the informant may allow.

(7) A person giving notice requesting a hearing in respect of an infringement offence may, if the person thinks fit, in that notice—

(a) admit liability in respect of the offence; and

(b) make any submissions as to penalty or otherwise that the defendant would wish to be considered by a court hearing proceedings in respect of the offence.

(8) Where a notice requesting a hearing in respect of an infringement offence is given in accordance with this section, the following provisions shall apply:

(a) the informant shall, if it is proposed that proceedings be commenced in respect of the offence, file in a court a notice of hearing in the prescribed form:

(b) where the defendant does not, in the notice requesting a hearing, admit liability in respect of the offence, the informant shall serve on the defendant a copy of the notice of hearing filed pursuant to paragraph (a):

(c) where the defendant does, in the notice requesting a hearing, admit liability in respect of the offence, the informant shall file that notice in the court in which the notice of hearing is filed:

(d) if a notice of hearing is filed in a court within 6 months from the time when the offence is alleged to have been committed,—

(i) the Criminal Procedure Act 2011 and the Costs in Criminal Cases Act 1967 apply, with any necessary modifications:

(ii) the notice of hearing is to be treated as if it were a charging document:

(iii) a copy of the notice served on the defendant under paragraph (b) is to be treated as if it were a summons to the defendant:

(iv) a notice of the defendant filed in the court under paragraph (c) is to be treated as if it were a notice of the defendant pleading guilty to the offence under section 38(1) of the Criminal Procedure Act 2011, but—

(A) section 38(2) of the Criminal Procedure Act 2011 does not apply; and

(B) despite sections 117 and 118 of the Criminal Procedure Act 2011, the defendant is not required or entitled to appear before the court hearing the proceedings.

(9) Where a defendant is found guilty of, or pleads guilty to, an infringement offence for which an infringement notice has been issued, the court shall order the defendant to pay costs of the prescribed amount in addition to the fine (if any) and other costs (if any) ordered by the court.

(10) In any proceedings for an infringement offence for which an infringement notice has been issued—

(a) it shall be a defence if the defendant proves that the infringement fee for the offence has been paid to the informant by a payment method specified in the notice before or within 28 days after service on the defendant of a reminder notice in respect of the offence:

(b) it shall not be a defence that the infringement fee for the offence has been paid otherwise than as referred to in paragraph (a).

(11) Where an infringement fee is paid to the informant by a payment method specified in the infringement notice but not within the time referred to in subsection (10)(a), the amount paid may be held and applied towards any fine or costs that the defendant may become liable to pay in respect of the offence.

(12) In any proceedings for an infringement offence for which an infringement notice has been issued it shall be presumed, unless the contrary is proved, that—

(a) the infringement notice in respect of the offence has been duly issued, and the notice, or a copy of the notice, has been served on the defendant:

(b) any reminder notice or copy of a notice of hearing required to have been served on the defendant has been duly served:

(c) the infringement fee for the offence has not been paid as required under this section.

(13) If the informant has entered into an arrangement under subsection (3A) or subsection (3C)(a), and default is made in the payment of any instalment, proceedings may be taken as if default had been made in the payment of all instalments then remaining unpaid.

Section 21: replaced, on 1 November 1987, by section 5 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 21 heading: amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 21(1)(a): replaced, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 21(1)(b): amended, on 1 March 2007, by section 6(1) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(2): amended, on 9 October 2006, by section 5(1) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(2)(b)(i): amended, on 24 October 2019, by section 153(1) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(2)(b)(ii): amended, on 24 October 2019, by section 153(2) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(2AA): inserted, on 9 October 2006, by section 5(2) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(2A): inserted, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 21(2A): amended, on 9 October 2006, by section 5(3) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(3): replaced, on 1 March 2007, by section 6(2) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(3)(b)(i): amended, on 24 October 2019, by section 153(3) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(3)(b)(ii): amended, on 24 October 2019, by section 153(4) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(3A): inserted, on 1 November 1998, by section 3(1) of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 21(3A): amended, on 1 August 2012, by section 5(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 21(3A)(a): amended, on 1 March 2007, by section 6(3) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(3A)(b): amended, on 1 August 2012, by section 5(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 21(3B): inserted, on 1 November 1998, by section 3(1) of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 21(3C): inserted, on 1 November 1998, by section 3(1) of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 21(3C)(a): amended, on 1 August 2012, by section 5(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 21(3D): replaced, on 1 March 2007, by section 6(4) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(3D)(b): amended, on 24 October 2019, by section 153(5) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(4): replaced, on 1 March 2007, by section 6(5) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(4A): inserted, on 1 March 2007, by section 6(5) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(4B): inserted, on 1 March 2007, by section 6(5) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(4C): inserted, on 1 March 2007, by section 6(5) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(5): replaced, on 1 August 2012, by section 5(3) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 21(5): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 21(5A): replaced, on 1 August 2012, by section 5(3) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 21(5A): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 21(5AB): inserted, on 1 March 2007, by section 6(5) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 21(5B): inserted, on 1 November 1998, by section 3(2) of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 21(8)(d): replaced, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 21(8)(d)(iv): replaced, on 24 October 2019, by section 153(6) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(10)(a): amended, on 24 October 2019, by section 153(7) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(11): amended, on 24 October 2019, by section 153(8) of the Statutes Amendment Act 2019 (2019 No 56).

Section 21(13): inserted, on 1 November 1998, by section 3(3) of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

21A Evidence of particulars of reminder notice deemed to have been filed in court by electronic means

In any proceedings, a computer printout of the particulars of a reminder notice deemed to have been filed in a court under section 21(4C), sealed with the seal of the court and purporting to be signed and certified by the Registrar of that court as a printout that may be used for the purposes of this section, is, in all courts, in the absence of evidence to the contrary, sufficient evidence of—

(a) those particulars having been provided and verified in accordance with section 21:

(b) the reminder notice deemed to have been filed in a court and the order deemed to have been made as a consequence.

Section 21A: inserted, on 1 March 2007, by section 7 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

21B Requirements for infringement notices regarding payment method

If an Act provides that an infringement notice or a reminder notice must contain an address or a place at which an infringement fee may be paid, that requirement is, and always has been, satisfied if the infringement notice—

(a) specifies 1 or more methods (whether at a physical place or by post or electronic or other means) by which an infringement fee may be paid; or

(b) provides for the informant or other person who is entitled to issue the notice to specify in the notice the method or methods (whether at a physical place or by post or electronic or other means) by which an infringement fee may be paid.

Section 21B: inserted, on 24 October 2019, by section 154 of the Statutes Amendment Act 2019 (2019 No 56).

22 To whom warrant to be directed and power of person executing warrant to enter premises

[Repealed]

Section 22: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

23 Withdrawal of warrant

[Repealed]

Section 23: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Service of documents

23A Service of documents under this Part

(1) Sections 24, 28, and 29 apply to the service of a document under this Part.

(2) In this section and in sections 24, 28, and 29, **document** means—

(a) a reminder notice; or

(b) a notice of hearing.

Section 23A: replaced, on 14 November 2018, by section 51 of the Courts Matters Act 2018 (2018 No 50).

24 Ways documents may be served

(1) If, under this Part, an informant is required to serve a document on a defendant, the requirement may be met by the informant—

(a) delivering the document to the defendant or, if the defendant refuses to accept it, bringing it to the defendant's notice; or

(b) leaving the document for the defendant at the defendant's place of residence with another person who appears to be of or over the age of 14 years; or

(c) leaving the document for the defendant at the defendant's place of business or place of work with another person; or

(d) sending the document to the defendant by prepaid post addressed to the defendant's last known place of residence or place of business or work; or

(e) sending the document in electronic form to the defendant's electronic address in any case where the defendant does not have a known place of residence or business in New Zealand; or

(f) complying with a means of service prescribed by rules or regulations made under section 212(2)(f).

(2) However, a District Court Judge, a Justice, a Community Magistrate, or the Registrar may, if he or she thinks fit, direct that a document be served in accordance with subsection (1)(a).

(3) For defendants to whom section 28 applies, subsection (1) is modified to the extent provided by that section.

Section 24: replaced, on 14 November 2018, by section 51 of the Courts Matters Act 2018 (2018 No 50).

25 Who may serve documents on defendant

[Repealed]

Section 25: repealed, on 14 November 2018, by section 52 of the Courts Matters Act 2018 (2018 No 50).

26 Mode of service of documents on person other than defendant

[Repealed]

Section 26: repealed, on 14 November 2018, by section 52 of the Courts Matters Act 2018 (2018 No 50).

27 Who may serve documents on person other than defendant

[Repealed]

Section 27: repealed, on 14 November 2018, by section 52 of the Courts Matters Act 2018 (2018 No 50).

28 Service provisions modified in special cases

(1) If a document is served in accordance with this section, it is, for the purposes of section 24, taken to be served on the defendant concerned.

(2) If the defendant is a body corporate or a Crown organisation, a document may be served—

(a) by being sent, in accordance with section 24(1)(d) or (e), to the body corporate or Crown organisation for the attention of an officer or employee of that body or organisation:

(b) by being delivered to an officer or employee of the body corporate or Crown organisation at its head office, principal place of business, or registered office, or by bringing it to the officer's notice or the employee's notice if that person refuses to accept it.

(3) If a lawyer has authenticated a memorandum stating that the lawyer is authorised to accept service of a document on behalf of the defendant, the document may be served on the lawyer in any way authorised by section 24.

(4) In addition to the ways of service authorised by section 24, a document may be served by delivering or sending it to, or by leaving it with,—

(a) in the case of a defendant who lives or works on board a vessel (including a vessel belonging to the Royal New Zealand Navy), the person on board who is apparently in charge of the vessel:

(b) in the case of a defendant who is a member of the New Zealand Armed Forces, the officer apparently in command of the unit or detachment to which the defendant belongs:

(c) in the case of a defendant who is a prisoner, the manager or any other officer apparently in charge of the prison.

Section 28: replaced, on 14 November 2018, by section 53 of the Courts Matters Act 2018 (2018 No 50).

29 Proof of service of documents

(1) Service of a document by an informant may be proved by an endorsement on a copy of the document showing the fact, date, time, and mode of service.

(2) An endorsement under subsection (1) must be signed by the person who served the document.

(3) A person who wilfully endorses a false statement on a copy of a document commits an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding $2,000, or to both.

(4) If a document is sent by prepaid post, then, unless the contrary is shown, the document is to be treated as having been served on the 5th working day after the date on which the document was posted, and, in proving service, it is sufficient to prove that the letter concerned was properly addressed and posted.

(5) If a document is sent in electronic form, then, unless the contrary is shown, the document is to be treated as having been served at the time the electronic communication first enters an information system that is outside the control of the document's originator, and, in proving service, it is sufficient to prove that the document concerned was properly addressed and sent.

(6) In this section, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.

Section 29: replaced, on 14 November 2018, by section 53 of the Courts Matters Act 2018 (2018 No 50).

Use of Māori language

Heading: inserted, on 14 November 2018, by section 54 of the Courts Matters Act 2018 (2018 No 50).

30 Translation of documents into Maori language

Where a document is served on any person who is a Maori within the meaning of Te Ture Whenua Maori Act 1993, the provisions of any rules for the time being in force under the Criminal Procedure Act 2011 relating to translations of documents served on Maoris shall apply.

Compare: 1927 No 37 s 265; 1952 No 44 s 23

Section 30: amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 30: amended, on 1 July 1993, pursuant to section 362(2) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Special provisions for taking evidence

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

31 Order for taking evidence of defence witness at a distance

[Repealed]

Section 31: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

32 Order for taking evidence of person about to leave country

[Repealed]

Section 32: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

33 Admission in summary proceedings of statement of person dangerously ill taken for purposes of trial of indictable offence

[Repealed]

Section 33: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

General provisions as to hearing

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

34 Place of hearing of information

[Repealed]

Section 34: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

35 Power to clear court and forbid report of proceedings

[Repealed]

Section 35: repealed, on 1 October 1985, by section 150(1) of the Criminal Justice Act 1985 (1985 No 120).

36 Withdrawal of information by informant

[Repealed]

Section 36: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

37 Who may conduct proceedings

[Repealed]

Section 37: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

38 Court may issue warrant for appearance of witness

[Repealed]

Section 38: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

39 Witness refusing to give evidence may be imprisoned

[Repealed]

Section 39: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

40 Witnesses at the hearing

[Repealed]

Section 40: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

41 Right to plead guilty by notice to Registrar

[Repealed]

Section 41: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

41A Registrar may receive not guilty pleas

[Repealed]

Section 41A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

42 Plea of guilty may be withdrawn by leave of court

[Repealed]

Section 42: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

43 Amendment of information where defendant appears

[Repealed]

Section 43: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

43A Amendment of information to correct particulars of defendant

[Repealed]

Section 43A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

44 Power of court to decline summary jurisdiction

[Repealed]

Section 44: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

44A Power of court to decline summary jurisdiction in case of certain summary offences

[Repealed]

Section 44A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Adjournments and bail

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

45 Power to adjourn

[Repealed]

Section 45: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

45A Power of Registrar to adjourn

[Repealed]

Section 45A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

46 Dealing with defendant on adjournment

[Repealed]

Section 46: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

46A Registrar may prohibit publication of names

[Repealed]

Section 46A: repealed, on 5 March 2012 (applying in relation to a proceeding for an offence that was commenced before that date), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

46AB Application of section 45 during epidemic

[Repealed]

Section 46AB: repealed, on 29 June 2009, by section 6 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

46AC Application of section 46 during epidemic

[Repealed]

Section 46AC: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

47 Warrant for detention of defendant remanded in custody

[Repealed]

Section 47: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

48 Defendant, if bailable as of right, to be brought before court on request

[Repealed]

Section 48: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

49 Conditions of bail

[Repealed]

Section 49: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

49A Variation of conditions of bail

[Repealed]

Section 49A: repealed, on 1 August 1987, by section 2 of the Summary Proceedings Amendment Act (No 2) 1987 (1987 No 172).

50 Release of defendant granted bail

[Repealed]

Section 50: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

50A Variation of conditions of bail

[Repealed]

Section 50A: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

51 Defendant may be admitted to bail by constable in certain cases

[Repealed]

Section 51: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

52 Mode of taking bail bond by constable

[Repealed]

Section 52: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

53 Defendant on bail may be arrested without warrant in certain circumstances

[Repealed]

Section 53: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

54 Failure to answer bail

[Repealed]

Section 54: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

55 Arrest of defendant who does not attend hearing

[Repealed]

Section 55: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

56 Effect on bond of attendance or non-attendance of person bailed by constable

[Repealed]

Section 56: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

57 Certification of non-performance of condition of bail bond

[Repealed]

Section 57: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

58 Estreat of bail bond

[Repealed]

Section 58: repealed, on 1 August 1987, by section 4 of the Summary Proceedings Amendment Act (No 2) 1987 (1987 No 172).

59 Defendant in custody may be brought up before expiry of period of adjournment

[Repealed]

Section 59: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Procedure at hearing

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

60 Evidence to be given on oath

[Repealed]

Section 60: repealed, on 1 August 2007, by section 215 of the Evidence Act 2006 (2006 No 69).

61 Powers of court when defendant does not appear

[Repealed]

Section 61: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

61A Powers of Registrar to adjourn hearing or issue warrant to arrest defendant

[Repealed]

Section 61A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

62 Powers of court when informant does not appear

[Repealed]

Section 62: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

63 Powers of court when neither party appears

[Repealed]

Section 63: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

64 Dismissal for want of prosecution not to operate as bar to other proceedings

[Repealed]

Section 64: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

65 Court to proceed when both parties appear

[Repealed]

Section 65: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

66 Defendant's right to elect trial by jury where offence punishable by more than 3 months' imprisonment

[Repealed]

Section 66: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

66A Registrar may receive elections

[Repealed]

Section 66A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

67 Conduct of hearing

[Repealed]

Section 67: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

67A Identification evidence

[Repealed]

Section 67A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

68 Decision of court

[Repealed]

Section 68: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

69 Procedure where defendant liable to greater penalty because of previous convictions

[Repealed]

Section 69: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

69AA Further provisions relating to previous convictions

[Repealed]

Section 69AA: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

69A Proof of previous convictions

[Repealed]

Section 69A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

70 Order for restitution of stolen property or payment of its value

[Repealed]

Section 70: repealed, on 1 January 1962, by section 4(1)(d) of the Summary Proceedings Amendment Act 1961 (1961 No 44).

71 Criminal Records

[Repealed]

Section 71: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Costs and witnesses' expenses

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

72 Costs

[Repealed]

Section 72: repealed, on 1 April 1968, by section 14(2) of the Costs in Criminal Cases Act 1967 (1967 No 129).

73 Witnesses' expenses

[Repealed]

Section 73: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Complaints

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

74 Provisions of this Part to apply to complaints

[Repealed]

Section 74: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Rehearings

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

75 District Court Judge or Justice or Registrar or Community Magistrate may grant a rehearing

[Repealed]

Section 75: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Miscellaneous

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

76 Proceedings against parties to offences

[Repealed]

Section 76: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

77 Power of the court to amend defective sentences

[Repealed]

Section 77: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

77A Stay of proceedings

[Repealed]

Section 77A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

78 Court may state case for opinion of High Court

[Repealed]

Section 78: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

78A Conviction not to be recorded for infringement offences

[Repealed]

Section 78A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

78B Power to correct irregularities in proceedings for infringement offences

(1) This section applies if a defendant is deemed to have been ordered, or is ordered, to pay a fine or costs or both under section 21 and—

(a) a District Court Judge or Registrar, on the application of the defendant, is satisfied on the basis of information provided with the application that—

(i) the defendant is not a person to whom the infringement notice was issued or on whom the notice is deemed to have been served; or

(ii) the defendant (not being a defendant who, under section 78C(1) or (3), is ineligible to rely on this ground) did not in fact receive the reminder notice required to have been served on the defendant under section 21; or

(iia) the defendant did not in fact receive a copy of the notice of hearing required to have been served on the defendant under section 21; or

(iii) some other irregularity occurred in the procedures leading up to the order for the fine or costs, or both; or

(iv) the defendant believed on reasonable grounds that he or she had requested a hearing under section 21, but this request was not acted on by the informant; or

(v) the defendant reasonably believed that he or she had been advised by the informant that action would not be taken under section 21(3); or

(vi) the defendant reasonably believed that he or she had been advised by the informant that further time for requesting a hearing would be allowed under section 21(6)(b), but action was taken under section 21(3) before that further time had expired; or

(vii) the defendant—

(A) had, in writing, requested further relevant information from the informant in relation to the infringement offence; and

(B) had made the request within a time that would reasonably enable the informant to respond before the earliest time at which the informant would be entitled to take action under section 21(3); and

(C) believed on reasonable grounds that the informant had not refused to provide the requested information and that action

would not be taken under section 21(3) before that information had been provided; and

(D) was not provided with the information before action was taken under section 21(3); or

(viii) the defendant paid the infringement fee to the informant by a payment method specified in the infringement notice before or within 28 days after service on the defendant of a reminder notice in respect of the offence to which the notice relates; or

(b) the informant applies to a District Court Judge or Registrar to withdraw the reminder notice filed or deemed to have been filed under section 21.

(1A) No more than 1 application, made in reliance on the ground stated in subsection (1)(a)(ii), may be granted in respect of the same defendant for the same infringement offence.

(1B) An application under subsection (1) may be made—

(a) in writing in a form approved under section 209A; or

(b) electronically in a manner approved by the chief executive of the Ministry of Justice.

(1C) An application under subsection (1) may be—

(a) made to any court; and

(b) considered in another court besides the one to which it is made.

(2) The Judge or, subject to subsections (3) and (4), the Registrar may do 1 or more of the following:

(a) authorise the informant to serve a reminder notice on a person other than the defendant (being a person to whom the infringement notice was issued or on whom it was deemed to have been served):

(b) authorise the informant to serve on the defendant another copy of the reminder notice or the notice of hearing and, for that purpose, require the defendant to specify an address at which personal service, service by post, or service by either method may be effected:

(c) grant a hearing or rehearing of the matter, and proceed with the hearing or rehearing immediately if both parties agree, or set it down for a later date:

(d) set aside or modify the order:

(e) make any other order as to costs or otherwise that the Judge or Registrar considers appropriate in the circumstances.

(3) If a Registrar considering an application under subsection (1)(a) is satisfied that any of subparagraphs (i) or (iv) to (vii) of subsection (1)(a) apply, the Registrar must not exercise the power conferred by subsection (2)(a) or (b) except with the consent of the informant.

(4) A Registrar may not exercise the power conferred by subsection (2)(d) except where the application is made under subsection (1)(a)(viii) or (1)(b).

(4A) A Judge or Registrar must deal with an application under subsection (1) on the papers unless the Judge or Registrar considers that a hearing is necessary.

(4B) While an application under subsection (1) is pending,—

(a) no warrant, order, or notice may be issued or take effect to enforce the order to which that application relates; and

(b) the Registrar must take appropriate steps to ensure that the order is not acted on.

(4C) Despite subsection (4B), if, before an application under subsection (1) is made, any property has been seized under a warrant to seize property to enforce the order to which that application relates,—

(a) any seized property that has not been sold, assigned, applied, released, or otherwise disposed of must be retained under section 100B(3) while the application is pending; or

(b) if the seized property has been sold but the proceeds of sale have not been applied in accordance with section 100N or 100R, the proceeds must be retained while the application is pending.

(4D) If the order to which the application relates continues in effect after the application is determined or is discontinued, the property must be dealt with, and any fees and costs payable under an enactment in respect of the property are payable, as if the application had not been made.

(4E) If, on the determination of the application, the order is set aside or ceases to have effect in accordance with subsection (5), the owner—

(a) is entitled to—

(i) the return of the property if the property has been retained in accordance with subsection (4C)(a); or

(ii) the proceeds of any sale if the proceeds have been retained in accordance with subsection (4C)(b); and

(b) is not liable for any fees and costs payable under an enactment in respect of the property.

(4F) In any case where a Judge or Registrar gives a direction authorising the service of a reminder notice or a copy of a reminder notice under subsection (2)(a) or (b) (a **new reminder notice**) in replacement of, or by reference to, a previous reminder notice, then—

(a) section 21(3)(b), (3D)(b), and (10)(a), if applicable to the case, apply as if the reference to the date of service of the reminder notice were a reference to the date of the direction by the Judge or Registrar; and

(b) section 21(3B), (5)(a), (5A)(a), and (8)(d), if applicable to the case, apply as if the reference to the time when the offence is alleged to have

been committed were a reference to the date of the direction by the Judge or Registrar.

(4G) If, under subsection (2)(b), a Judge or Registrar authorises the informant to serve on the defendant a new reminder notice, the defendant may not give notice requesting a hearing in respect of the infringement offence to which the notice relates if the Registrar is satisfied that the notice was filed following the defendant's default in paying 1 or more instalments under an arrangement entered into under section 21(3A) or (3C)(a).

(4H) If, under subsection (2)(d), an order is set aside following an application made by the informant under subsection (1)(b), the setting aside is not a bar to any other proceedings in the same matter.

(5) If a Judge or Registrar exercises a power under subsection (2)(a), (b), or (c), the order made or deemed to have been made against the defendant ceases to have effect and the Registrar must take appropriate steps to ensure that the order is not acted on.

(6) If a defendant granted a hearing or rehearing under this section does not appear, the court may, if it thinks fit, without hearing or rehearing the matter, direct that the original order be restored.

Section 78B: replaced, on 9 October 2006, by section 9 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 78B(1)(a): amended, on 1 August 2012, by section 8(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(1)(a)(ii): replaced, on 1 August 2012, by section 8(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(1)(a)(iia): inserted, on 1 August 2012, by section 8(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(1)(a)(viii): inserted, on 1 August 2012, by section 8(3) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(1)(a)(viii): amended, on 24 October 2019, by section 155 of the Statutes Amendment Act 2019 (2019 No 56).

Section 78B(1A): inserted, on 1 August 2012, by section 8(4) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(1B): inserted, on 1 August 2012, by section 8(4) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(1C): inserted, on 1 August 2012, by section 8(4) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(2)(c): amended, on 1 August 2012, by section 8(5) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4): replaced, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4A): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4B): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4C): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4D): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4E): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4F): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4G): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78B(4H): inserted, on 1 August 2012, by section 8(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

78C Certain defendants ineligible to rely on non-receipt of reminder notice

(1) A defendant is not eligible to rely, under section 78B(1)(a)(ii), on the ground that the defendant did not in fact receive a reminder notice if the Registrar is satisfied that the defendant was personally served with the infringement notice to which the reminder notice relates.

(2) However, even though a defendant has been personally served with an infringement notice relating to an infringement offence, subsection (1) does not apply to the defendant if the defendant—

(a) has entered into an arrangement, under section 21(3A) or (3C)(a), in respect of that infringement offence; and

(b) following a default in the payment of 1 or more instalments under that arrangement, has been served by ordinary post with a reminder notice in respect of that infringement offence.

(3) In the case of an infringement notice issued for an owner liability offence, the defendant is not eligible to rely on the ground stated in section 78B(1)(a)(ii) unless the Registrar is satisfied that, at the date of the commission of that offence, the defendant complied or was not responsible for complying with any applicable obligations imposed on the defendant by Part 17 of the Land Transport Act 1998 and any regulations made under that Act in respect of the motor vehicle to which the infringement notice relates.

(4) The Registrar must be satisfied of the matters referred to in subsection (3) on the basis of documentary evidence of a kind approved by the Registrar.

(5) In this section, **owner liability offence** means an offence referred to in section 133 or 133A of the Land Transport Act 1998.

Section 78C: inserted, on 1 August 2012, by section 9 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 78C(5): amended, on 26 March 2015, by section 5 of the Summary Proceedings Amendment Act 2015 (2015 No 35).

Part 3
Enforcement of fines

Part 3: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

79 Interpretation

(1) In this Part, unless the context otherwise requires,—

amount of reparation or **reparation** means—

(a) any amount that is required to be paid under a sentence of reparation; or

(b) any amount that is required to be paid under an order of reparation

chief executive means the chief executive of the Ministry of Justice

default balance means the amount owed by a defendant in respect of 1 or more overdue fines

employer includes, in relation to payments of the kind referred to in this section in the definition of salary or wages, the person or body making the payments

fine—

(a) includes any amount of money, or any part of an amount of money, that a person is obliged to pay under a sentence or an order imposed by a court, whether that amount is described as a fine or as costs, levies, expenses, fees, reparation, or otherwise; and

(b) includes any offender levy and any prescribed costs, expenses, or fees payable in respect of the enforcement of an obligation to pay any amount of money, or any part of an amount of money, described in paragraph (a); but

(c) does not include any amount of money ordered to be paid in a civil proceeding

hire purchase agreement means—

(a) an agreement under which goods are let or hired with an option to purchase, however the agreement describes the payments, under which the person who agrees to purchase the goods is given possession of them before the total amount payable has been paid:

(b) an agreement for the purchase of goods by instalment payments, however the agreement describes the payments, under which the person who agrees to purchase the goods is given possession of them before the total amount payable has been paid

imposed, in relation to a fine, includes ordered and deemed to be ordered

impoundment costs, in relation to a motor vehicle that has been seized while impounded under section 96 or 96A of the Land Transport Act 1998, means the fees and charges for towage and storage that are prescribed or assessed in

the manner specified by regulations made under section 167 of that Act, and, where those fees and charges have already been paid by the chief executive, means the amount required to reimburse the chief executive for that payment

interest means any proprietary interest, whether legal or equitable, and whether vested or contingent

lease does not include a hire purchase agreement or a rental service agreement to which the holder of a rental service licence under the Land Transport Act 1998 is a party

negotiable instrument has the same meaning as in section 16 of the Personal Property Securities Act 1999

offender levy means a levy imposed under section 105B of the Sentencing Act 2002

order of reparation means—

(a) an order made under section 106, 108, or 110 of the Sentencing Act 2002; or

(b) an order made in respect of a child, or any parent or guardian of that child, under section 84(1)(b) of the Oranga Tamariki Act 1989; or

(c) an order made in respect of a young person, or any parent or guardian of that young person, under section 283(f) or (g) of the Oranga Tamariki Act 1989; or

(d) an order that—

(i) requires the payment of any amount as compensation or restitution to the victim of an offence against any enactment; and

(ii) is declared by the Governor-General, by Order in Council (*see* subsection (6)), to be an order of reparation for the purposes of this Part

overdue, in relation to a fine, means—

(a) that the fine has, in breach of the provisions of an enactment or the terms of a sentence, an order, or a direction, not been paid in full within the time provided or fixed by the enactment, sentence, order, or direction; and

(b) that the defendant's obligation to pay the fine has not been resolved

person who is registered, in relation to a motor vehicle, means the person who is registered under the Land Transport Act 1998 in respect of the vehicle, and where several persons are so registered, means any one of those persons

property has the same meaning as in section 4 of the Property Law Act 2007

resolved, in relation to a defendant's obligation to pay a fine, means that—

(a) the fine is being reduced, or is to be reduced,—

(i) by an arrangement under any of sections 81, 86, 86C, and 86DA; or

(ii) by a deduction notice issued under section 83(1B)(b), 83(2)(c), 86DB, 87(2)(c), 87B(1A), or 88AE(1)(a); or

(iii) by an attachment order issued under section 86DB, 87(2)(b), or 88AE(1)(a); or

(iv) in accordance with a direction given under section 88AE(1)(h); or

(v) by a sale order under section 88AE(1)(ab); or

(b) the defendant is currently subject to a substituted sentence in respect of that fine; or

(c) the fine may not be further enforced because of a direction given under section 88AE(1)(i); or

(d) the order to pay the fine is set aside under section 78B(2)(d) or the fine otherwise ceases to be payable as a result of an appeal

salary or wages includes—

(a) a retiring allowance or pension or other payment of a similar nature:

(b) all payments of weekly compensation made by the Accident Compensation Corporation under the Accident Compensation Act 2001:

(c) a bonus or an incentive payment:

(d) a payment of commission:

(e) a payment in consideration of work performed under a contract for services:

(f) a benefit

secured party includes—

(a) a secured party (within the meaning of section 16(1) of the Personal Property Securities Act 1999), which applies as if the reference to a security interest is a reference to a security interest under this section; and

(b) a mortgagee (within the meaning of section 4 of the Property Law Act 2007)

security agreement includes—

(a) a security agreement (within the meaning of section 16(1) of the Personal Property Securities Act 1999) other than a lease; and

(b) a mortgage (within the meaning of section 4 of the Property Law Act 2007)

security interest includes—

(a) a security agreement (within the meaning of section 16(1) of the Personal Property Securities Act 1999) other than a lease; and

(b) a mortgage (within the meaning of section 4 of the Property Law Act 2007)

substituted sentence means a warrant of commitment issued under section 83(2)(b) or 88AE(1)(b) or any sentence imposed under section 88AE(1)(c) to (e)

traffic fine means a fine payable in respect of a traffic offence

traffic offence means—

(a) any offence against the Transport Act 1962, the Road User Charges Act 1977, the Road User Charges Act 2012, the Transport (Vehicle and Driver Registration and Licensing) Act 1986, the Land Transport Act 1998, or the Land Transport Management Act 2003 or against any secondary legislation made under any of those Acts:

(b) any offence against any secondary legislation made under any other Act if the offence relates to the use of motor vehicles or parking places or transport stations

use, in relation to a motor vehicle, includes driving, drawing, towing, or propelling by means of another vehicle, and permitting to be on any road

written caution means a caution issued under section 93.

(2) For the purposes of this section and sections 93 to 100T, a person is, in relation to a defendant, a **substitute for the defendant** or a **substitute** if—

(a) the person is served with a written caution, under section 93, about the defendant's default in paying a traffic fine for a traffic offence; and

(b) within 4 years after the date of service of that written caution, the defendant—

(i) commits a further traffic offence while using a motor vehicle that, at the time of the commission of that further offence, the person owned or had an interest in; and

(ii) has a traffic fine imposed on him or her for that further traffic offence; and

(iii) defaults, and continues to be in default, on the fine described in subparagraph (ii).

(3) For the purposes of sections 93 to 100T, property is owned by a person whether the person owns it solely or as a joint tenant or tenant in common with any other person.

(4) For the purposes of the exercise of any power, or the performance of any duty or function, under this Part, the person who is registered in respect of a motor vehicle is taken to be the owner of the motor vehicle unless the person exercising the power or performing the duty or function is satisfied that the person who is registered is not the owner of that motor vehicle.

(5) A reference in sections 93 to 100T to a person holding a motor vehicle as nominee for a defendant or for a substitute for the defendant is a reference to a person who purports to be the owner or who is the person who is registered in respect of the motor vehicle but whose purported ownership or registration is subject to an understanding or arrangement that the person—

(a) is not to acquire any rights, or only limited rights, in the motor vehicle; and

(b) will, in relation to the motor vehicle, act on behalf of the defendant or a substitute for the defendant.

(6) An order under paragraph (d)(ii) of the definition of order of reparation in subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 79: replaced, on 13 February 2012, by section 10 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 79(1) **order of reparation** paragraph (b): 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 79(1) **order of reparation** paragraph (c): 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 79(1) **order of reparation** paragraph (d)(ii): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 79(1) **property**: replaced, on 14 November 2018, by section 55(1) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **resolved** paragraph (a)(i): amended, on 14 November 2018, by section 55(2) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **resolved** paragraph (a)(ii): amended, on 14 November 2018, by section 55(3) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **resolved** paragraph (a)(iii): amended, on 14 November 2018, by section 55(4) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **resolved** paragraph (a)(v): inserted, on 14 November 2018, by section 55(5) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **secured party**: replaced, on 14 November 2018, by section 55(6) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **security agreement**: replaced, on 14 November 2018, by section 55(6) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **security interest**: replaced, on 14 November 2018, by section 55(6) of the Courts Matters Act 2018 (2018 No 50).

Section 79(1) **substituted sentence**: editorial change made by the PCO, on 17 March 2026, under sections 86(1) and 87(l)(iii) of the Legislation Act 2019 (2019 No 58).

Section 79(1) **traffic offence** paragraph (a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 79(1) **traffic offence** paragraph (a): amended, on 26 March 2015, by section 6 of the Summary Proceedings Amendment Act 2015 (2015 No 35).

Section 79(1) **traffic offence** paragraph (b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 79(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Service under this Part

Heading: inserted, on 13 February 2012, by section 10 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

79A Service of documents under this Part

(1) If a person is required to serve a document under this Part, the requirement may be met in any of the following ways:

(a) by an authorised process server—

(i) delivering the document to the recipient or bringing it to the recipient's notice if the recipient refuses to accept it; or

(ii) in the case of a written caution,—

(A) leaving the document for the recipient at the recipient's place of residence with another person (other than the defendant) who appears to be of or over the age of 14 years; or

(B) leaving the document for the recipient at the recipient's place of business or place of work with another person (other than the defendant); or

(iii) in any other case,—

(A) leaving the document for the recipient at the recipient's place of residence with another person who appears to be of or over the age of 14 years; or

(B) leaving the document for the recipient at the recipient's place of business or place of work with another person:

(b) by sending the document to the recipient by prepaid post addressed to the recipient's last known place of residence or business:

(c) if the recipient has a known electronic address, by sending it to the recipient at that address in electronic form:

(d) if authorised by rules or regulations made under section 212(2)(e), by the Registrar or the chief executive communicating, in accordance with those rules or regulations, the contents of the document to the recipient orally (including by telephone):

(e) by complying with a means of service prescribed by rules or regulations made under section 212(2)(f).

(2) However, a District Court Judge or Justice or Community Magistrate or the Registrar may, if he or she thinks fit, direct that a document must be served in accordance with subsection (1)(a)(i).

(3) For recipients to whom section 79B applies, subsection (1) is modified to the extent provided by that section.

(4) Despite subsection (1), a written caution under section 93 must be served by an authorised process server in accordance with paragraph (a) of that subsection or, where applicable, section 79B(2)(b) or (4).

(5) In this section and in section 79B,—

authorised process server means a person who is—

(a) a constable; or

(b) a Police employee authorised by the Commissioner of Police to serve documents under this Part; or

(c) an officer of the court; or

(d) a person or a member of a class of persons authorised by a District Court Judge or Registrar to serve documents either generally or in respect of a particular case or class of case; or

(e) an officer or employee of a corporation that is authorised by the Secretary for Justice to serve documents under this Part; or

(f) an individual who is authorised by the Secretary for Justice to serve documents under this Part

officer, in relation to a body corporate or Crown organisation, includes a person involved in the decision making or management of the body or organisation

recipient means the person required to be served

serve, in relation to a document,—

(a) includes giving the document to a person; but

(b) does not include filing the document in a court under rules of court or otherwise.

Section 79A: inserted, on 13 February 2012, by section 10 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 79A(1)(d): replaced, on 14 November 2018, by section 56(1) of the Courts Matters Act 2018 (2018 No 50).

Section 79A(1)(e): inserted, on 14 November 2018, by section 56(1) of the Courts Matters Act 2018 (2018 No 50).

Section 79A(5) **authorised process server** paragraph (e): amended, on 14 November 2018, by section 56(2) of the Courts Matters Act 2018 (2018 No 50).

Section 79A(5) **authorised process server** paragraph (f): inserted, on 14 November 2018, by section 56(3) of the Courts Matters Act 2018 (2018 No 50).

79B Service provisions modified in special cases

(1) If a document is served in accordance with this section, it is, for the purposes of section 79A, taken to be served on the recipient concerned.

(2) If the recipient is a body corporate or a Crown organisation, a document may be served—

(a) if it may be sent under section 79A(1)(b) or (c) by being sent, in accordance with either of those paragraphs, to the body corporate or Crown organisation for the attention of an officer or employee of that body or organisation:

(b) by an authorised process server delivering the document to an officer or employee of the body corporate or Crown organisation at its head office, principal place of business, or registered office, or bringing it to the officer's notice or the employee's notice if that person refuses to accept it.

(3) If a lawyer has signed a memorandum stating that the lawyer is authorised to accept service of a document on behalf of the recipient, the document may be served on the lawyer in any way authorised by section 79A.

(4) In addition to the ways of service authorised by section 79A, an authorised process server may, in the following cases, serve a document by delivering or sending it to, or by leaving it with,—

(a) in the case of a recipient who lives or works on board a vessel (including a vessel belonging to the Royal New Zealand Navy), the person on board who is apparently in charge of the vessel:

(b) in the case of a recipient who is a member of the New Zealand Armed Forces, the officer apparently in command of the unit or detachment to which the recipient belongs:

(c) in the case of a recipient who is a prisoner, the manager or other officer apparently in charge of the prison.

Section 79B: inserted, on 13 February 2012, by section 10 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 79B(3): amended, on 14 November 2018, by section 57 of the Courts Matters Act 2018 (2018 No 50).

79C Manner of notification not requiring particular document

(1) If a provision in this Part requires or contemplates that an official notify a person about a matter, without requiring that the person receive a particular document, the official may notify the person face to face or by telephone, or by prepaid post, fax, email, text, or other electronic means.

(2) In this section, **official** means—

(a) a Registrar; or

(b) a bailiff; or

(c) any other officer of the court; or

(d) the chief executive; or

(e) a person authorised by the chief executive.

Section 79C: inserted, on 13 February 2012, by section 10 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

79D Proof of service or notification

(1) The service of any document or the notification of a matter may be proved—

(a) by affidavit or oral evidence made or given by the person who served the document or made the notification, stating the fact, date, time, and mode of service or notification; or

(b) by an endorsement on a copy of the document or, where applicable, on a printout that records an electronic document, showing the fact, date, time, and mode of service or notification; or

(c) in any manner prescribed by regulations.

(2) An endorsement under subsection (1)(b) must be signed by the person who served the document or who made the notification.

(3) Every person who wilfully endorses any false statement of the fact, date, time, or mode of service on a copy of any document or on a computer printout commits an offence, and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding $2,000 or to both.

(4) If a document is served by sending it by prepaid post, then, unless the contrary is shown, the document is served when it would have been delivered in the ordinary course of post, and in proving service it is sufficient to prove that the letter concerned was properly addressed and posted.

(5) If a document is served by sending it in electronic form, then, unless the contrary is shown, the document is served at the time the electronic communication first enters an information system outside the control of its originator, and in proving service it is sufficient to prove that the document concerned was properly addressed and sent.

(6) In this section, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.

Section 79D: inserted, on 13 February 2012, by section 10 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 79D(3): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

80 Fines generally payable within 28 days

Except as otherwise provided in this Act or the Sentencing Act 2002, every fine shall be paid within 28 days after the day on which it is imposed.

Compare: 1957 No 87 s 84

Section 80: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 80: amended, on 13 February 2012, by section 12 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

81 Time to pay or payment by instalments

(1) If a fine is payable, the court may—

(a) make an order doing either or both of the following:

(i) allowing a greater time than 28 days for payment:

(ii) allowing payment to be made by instalments; or

(b) direct the Registrar to determine whether to enter into an arrangement with the defendant allowing greater time to pay or to pay by instalments, or both, under section 86.

(2) If an amount of reparation or an offender levy (whenever imposed) is payable, an order made under subsection (1)(a) or an arrangement entered into under section 86—

(a) must include payment of—

(i) the reparation:

(ii) the levy; and

(b) must not result in amounts owed by a defendant being paid in a different order of priority to that set out in section 86E.

(3) The court may take into account information received from any source about the defendant's financial capacity before making an order under subsection (1)(a).

(4) If the court makes an order under subsection (1)(a) and the court is subsequently satisfied either that the defendant provided false or misleading information about the defendant's financial capacity before the order was made or that the defendant's financial capacity has changed significantly since the order was made, the court may, after giving the defendant the opportunity to be heard, vary, suspend, or cancel the order.

Section 81: replaced, on 13 February 2012, by section 13 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

82 Financial capacity of defendant

(1) *[Repealed]*

(2) If a court is considering making an order under section 81(1)(a) or 83(1), or makes a direction under section 81(1)(b) of this Act or section 36(1)(c) of the Sentencing Act 2002, the court may direct that the defendant make a declaration as to financial capacity (in which case sections 42 to 43 of the Sentencing Act 2002 apply with any necessary modifications).

Section 82: replaced, on 13 February 2012, by section 14 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 82(1): repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

83 Order for immediate payment of fine

(1) If a fine is payable, the court may order the defendant to pay the fine immediately if,—

(a) in the case of a fine that consists of or includes an amount of reparation, the court is satisfied that the defendant has sufficient means to pay the fine immediately; or

(b) in any other case, the court is satisfied that the defendant has sufficient means to pay the fine immediately and either—

(i) the defendant has no fixed place of residence; or

(ii) the court is satisfied that, because of the gravity of the offence, the character of the defendant, or other special circumstances, the fine should be paid immediately.

(1A) If an amount of reparation or an offender levy (whenever imposed) is payable, an order made under subsection (1)—

(a) must require payment of the following at the same time as any other amount payable under the order:

(i) the reparation:

(ii) the levy; and

(b) must not result in amounts owed by a defendant being paid in a different order of priority to that set out in section 86E.

(1B) If any order of a Registrar to pay an amount of reparation immediately is not complied with, the Registrar may—

(a) issue a warrant to seize property in a form approved under section 209A; or

(b) issue a deduction notice requiring a bank to deduct the amount due from a sum payable or to become payable to the defendant; or

(c) refer the matter to a District Court Judge for the Judge to consider whether a warrant of commitment should be issued under subsection (2)(b) (which applies with any necessary modifications).

(2) Where any order to pay a fine immediately is not complied with, the court may—

(a) direct that a warrant to seize property be issued in a form approved under section 209A; or

(b) subject to subsection (3A), direct that a warrant of commitment be issued in the prescribed form for the imprisonment of the defendant for a period not exceeding the maximum prescribed by section 90; or

(c) direct that the Registrar issue a deduction notice requiring a bank to deduct the amount due from a sum payable or to become payable to the defendant.

(2A) Subsection (2)(a) and (b) do not apply if the only amount payable under the order is an offender levy.

(3) Any warrant of commitment directed to be issued under subsection (2)(b) may be issued by any District Court Judge and may be withdrawn at any time by any District Court Judge.

(3A) A District Court Judge shall not issue a warrant of commitment under this section unless—

(a) the defendant has had the same opportunity for legal representation as is available to a defendant who is liable to a sentence of imprisonment under section 30 of the Sentencing Act 2002; and

(b) the defendant is before a District Court Judge.

(4) Where a court makes an order under subsection (1), or gives a direction under subsection (2), a record of the order or direction and the grounds on which it was made or given shall be entered in the court record required to be kept under section 184 of the Criminal Procedure Act 2011.

Compare: 1957 No 87 s 85

Section 83: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 83(1): replaced, on 13 February 2012, by section 15(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 83(1A): replaced, on 13 February 2012, by section 15(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 83(1B): inserted, on 13 February 2012, by section 15(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 83(2): amended, on 13 February 2012, by section 15(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 83(2)(a): amended, on 13 February 2012, by section 15(3) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 83(2)(b): amended, on 1 November 1998, by section 15 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 83(2)(b): amended, on 1 September 1993, by section 13(2) of the Summary Proceedings Amendment Act 1993 (1993 No 47).

Section 83(2)(c): inserted, on 1 November 1998, by section 15 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 83(2A): inserted, on 13 February 2012, by section 15(4) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 83(3A): inserted, on 1 September 1993, by section 13(3) of the Summary Proceedings Amendment Act 1993 (1993 No 47).

Section 83(3A)(a): amended, on 30 June 2002, by section 186 of the Sentencing Act 2002 (2002 No 9).

Section 83(4): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

84 Notice of fine

(1) Where, on the determination of a charge for an offence, the defendant is ordered to pay or becomes liable to pay a fine, the Registrar must promptly give the defendant a notice of the fine.

(2) Every notice given under subsection (1) must—

(a) state the amount of the fine:

(b) state the date on or before which payment of the fine is to be made:

(c) state the times and places at which payment of the fine may be made:

(d) inform the defendant of the defendant's rights of appeal:

(e) inform the defendant that a Registrar, a bailiff, or the chief executive may enter into an arrangement with the defendant for an extension of time to pay, whether by instalments or otherwise:

(f) inform the defendant that if the fine is not paid within 28 days after the day on which it was imposed, and no order has been made under section 81(1)(a) and no arrangement has been entered into under section 86, 86C, or 86DA, the following kinds of enforcement may be taken (which must be explained in general terms):

(i) a warrant to seize property:

(ii) an attachment order:

(iii) a deduction notice:

(iiia) the fine may be added to an existing arrangement, an attachment order, or a deduction notice under section 86DB:

(iv) a driver licence stop order:

(v) a statutory land charge:

(vi) a sale order:

(g) notify the defendant that, instead of taking the kinds of enforcement action described in paragraph (f), the Registrar may issue a warrant to arrest the defendant and have the defendant brought before a District Court Judge, Community Magistrate, or Registrar:

(h) notify the defendant that any default balance of the defendant will be disclosed to recognised users (within the meaning of section 92A) who are authorised to receive that information.

(3) Failure to comply with this section does not of itself invalidate any subsequent proceeding.

(4) Despite the requirements of this section, it is the responsibility of the defendant to take all necessary steps to find out the decision of the court, the defendant's obligations under that decision, and the defendant's rights in relation to that decision.

(5) It is not necessary to comply with the requirements of this section in any case where, before the notice is given,—

(a) a fine is paid in full; or

(b) an order is made under section 81(1)(a) or 83(1); or

(c) an arrangement is entered into under section 86, 86C, or 86DA.

Section 84: replaced, on 13 February 2012, by section 16 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 84(1): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 84(2)(e): amended, on 14 November 2018, by section 58(1) of the Courts Matters Act 2018 (2018 No 50).

Section 84(2)(f): amended, on 14 November 2018, by section 58(2) of the Courts Matters Act 2018 (2018 No 50).

Section 84(2)(f)(iiia): inserted, on 14 November 2018, by section 58(3) of the Courts Matters Act 2018 (2018 No 50).

Section 84(2)(f)(v): inserted, on 14 November 2018, by section 58(4) of the Courts Matters Act 2018 (2018 No 50).

Section 84(2)(f)(vi): inserted, on 14 November 2018, by section 58(4) of the Courts Matters Act 2018 (2018 No 50).

Section 84(2)(g): amended, on 14 November 2018, by section 58(5) of the Courts Matters Act 2018 (2018 No 50).

Section 84(5)(c): amended, on 14 November 2018, by section 58(6) of the Courts Matters Act 2018 (2018 No 50).

85 Final notice of fine

[Repealed]

Section 85: repealed, on 23 July 2011, by section 17 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86 Registrar may arrange extension of time to pay

(1) If a fine is payable and is not subject to an order for immediate payment, the Registrar may enter into an arrangement with a defendant or with a representative of the defendant to allow for either or both of the following:

(a) a greater time for payment:

(b) payment to be made by instalments.

(2) No arrangement under subsection (1) may permit a fine to remain unpaid for more than 5 years after the date on which the arrangement is entered into.

(3) Before the Registrar enters into an arrangement under subsection (1), the Registrar may consider any information received from any person about the

financial position of the defendant or, as the case requires, about the defendant's representative.

(4) In any case where any information described in subsection (3) comes from a third party, the information must include details of the source of the information and the date to which the information relates.

(5) In this section and in sections 86A, 86C, 86D, and 86DA, **representative** means—

(a) a person who—

(i) enters into the arrangement concerned with the defendant's written or oral consent; and

(ii) appears to the Registrar to have the defendant's consent to do so; or

(b) a person who is authorised to enter into the arrangement concerned by operation of law.

Section 86: replaced, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 86(5): amended, on 14 November 2018, by section 59 of the Courts Matters Act 2018 (2018 No 50).

86A Registrar may vary, suspend, or cancel arrangement for extension of time to pay fine or attachment order

(1) A Registrar may determine that an arrangement extending the time to pay a fine, or an attachment order, be varied, suspended, or cancelled if the Registrar has reason to believe that—

(a) the defendant or, as the case requires, the defendant's representative has, for the purpose of entering into the arrangement, supplied false or misleading information about the financial position of the defendant or, as the case requires, the defendant's representative; or

(aa) the defendant's or his or her representative's financial position has improved significantly since the arrangement was entered into; or

(ab) the defendant or his or her representative entered into the arrangement for the purpose of avoiding interception at a New Zealand airport before departing from New Zealand and the defendant intends to leave New Zealand for an extended period within the next 10 days; or

(b) the financial position of the defendant or, as the case requires, the defendant's representative has changed significantly since the date on which the arrangement was entered into; or

(c) the defendant has, in connection with the making of the attachment order, supplied false or misleading information about the financial position of the defendant; or

(d) the financial position of the defendant has changed significantly since the date on which the attachment order was made.

(2) A Registrar may determine that an arrangement extending the time to pay a fine be varied, suspended, or cancelled if another fine that is not subject to the arrangement is imposed on the defendant and—

(a) the defendant agrees to the determination proposed by the Registrar; or

(b) the defendant defaults in the payment of the subsequent fine, and—

(i) the Registrar is unable to contact the defendant; or

(ii) the Registrar contacts the defendant but is unable to reach an agreement with the defendant as to how the subsequent fine is to be paid.

(3) If, in a case where there is an arrangement extending the time to pay a fine with a representative of the defendant, a further fine that is not subject to the arrangement is imposed on the defendant, the Registrar may determine that the arrangement—

(a) be varied, suspended, or cancelled if the representative agrees to the determination proposed by the Registrar:

(b) be suspended or cancelled if the defendant defaults in the payment of the subsequent fine, and—

(i) the Registrar is unable to contact the representative; or

(ii) the Registrar contacts the representative but is unable to reach an agreement with the representative as to how the subsequent fine is to be paid.

(4) A Registrar may determine that an attachment order be varied, suspended, or cancelled if—

(a) another fine that is not subject to the attachment order is imposed on the defendant; and

(b) the defendant defaults in the payment of the subsequent fine.

(4A) If, under subsection (1)(a), (aa), or (ab), an arrangement extending the time to pay is cancelled, the cancellation may be made without notice and takes effect immediately.

(4B) If the Registrar, after cancelling an arrangement extending the time to pay under subsection (1)(a), (aa), or (ab), becomes aware (whether as a result of new information or otherwise) that there were no or inadequate grounds for cancelling the arrangement, the Registrar must reinstate the arrangement and it continues in force as if it had not been cancelled.

(5) Unless subsection (4A) applies, if subsection (1)(a), (aa), (ab), or (b), (2)(b)(ii), or (3)(b)(ii) applies, the Registrar must, before he or she makes a determination in relation to the arrangement,—

(a) notify the defendant or, as the case requires, the defendant's representative—

(i) of the proposed determination and the reasons for the proposed determination; and

(ii) that the defendant or, as the case requires, the defendant's representative may give reasons, in an oral or written submission to the Registrar, why the proposed determination should not be made; and

(iii) that, if it is intended to make an oral submission, that intention must be advised to the Registrar within 10 days after the date of the notification and that any such submission must be made at a time specified by the Registrar; and

(iv) that any written submission must be received by the Registrar within 10 days after the date of the notification; and

(b) consider any—

(i) oral submission made in accordance with paragraph (a)(iii); and

(ii) written submissions received within the 10-day period referred to in paragraph (a)(iv).

(6) Any written submissions that may be made under subsection (5) may be made electronically.

(7) In no case may a fine to which a determination relates remain unpaid for more than 5 years after the date on which the determination takes effect.

(8) Unless subsection (4A) applies, a determination under this section takes effect on the following dates:

(a) where subsection (1)(a), (aa), (ab), or (b), (2)(b)(ii), or (3)(b)(ii) applies,—

(i) if the Registrar receives neither a request to make an oral submission nor a written submission within the 10-day period referred to in subsection (5)(a)(iii) or (iv), on the date on which that period expires; or

(ii) if after hearing an oral submission in accordance with subsection (5)(a)(iii), or considering a written submission received within the 10-day period referred to in subsection (5)(a)(iv), the Registrar decides to proceed with the proposed determination, on a specified date that the Registrar notifies to the defendant or, as the case requires, the defendant's representative:

(b) where subsection (2)(a) or (3)(a) applies, on the date that the Registrar obtains the agreement of the defendant or, as the case requires, the defendant's representative under either of those subsections:

(c) where subsection (1)(c) or (d), (2)(b)(i), (3)(b)(i), or (4) applies, on a date specified by the Registrar.

(9) In this section and sections 86C, 86D, 86DA, 87, and 87AA, **arrangement extending the time to pay a fine** means an arrangement that—

(a) allows for either or both of the following:

(i) a greater time to pay a fine:

(ii) payment by instalments; and

(b) is entered into by—

(i) a Registrar under section 86; or

(ia) the chief executive under section 86DA;

(ii) a bailiff under section 86C (in which case the arrangement must have come into force in accordance with that section).

Section 86A: replaced, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 86A(1)(aa): inserted, on 14 November 2018, by section 60(1) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(1)(ab): inserted, on 14 November 2018, by section 60(1) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(4A): inserted, on 14 November 2018, by section 60(2) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(4B): inserted, on 14 November 2018, by section 60(2) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(5): amended, on 14 November 2018, by section 60(3) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(8): amended, on 14 November 2018, by section 60(4) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(8)(a): amended, on 14 November 2018, by section 60(5) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(9): amended, on 14 November 2018, by section 60(6) of the Courts Matters Act 2018 (2018 No 50).

Section 86A(9)(b)(ia): inserted, on 14 November 2018, by section 60(7) of the Courts Matters Act 2018 (2018 No 50).

86B Determinations affecting attachment orders

(1) If an attachment order is cancelled or suspended under section 86A, the Registrar must serve notice of the cancellation or suspension on the employer to whom it relates and the cancellation or suspension takes effect when it is so served.

(2) If a variation of an attachment order takes effect under section 86A, the Registrar must issue a new attachment order under section 87 in place of the existing order.

Section 86B: replaced, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86C Bailiff may arrange extension of time to pay

(1) If a fine is payable and is not subject to an order for immediate payment, a bailiff may enter into an arrangement extending the time to pay the fine with a defendant or with a representative of the defendant.

(2) No arrangement extending the time to pay the fine may permit a fine to remain unpaid for more than 5 years after the date on which the arrangement is entered into.

(3) As soon as practicable after a bailiff enters into an arrangement extending the time to pay the fine, the bailiff must notify the Registrar of the arrangement.

(4) When the Registrar is notified of the arrangement, the Registrar may, after taking into account any information received from any person about the financial position of the defendant or, as the case requires, of the defendant's representative, cancel the arrangement within 7 days after being notified of that arrangement.

(5) In any case where any information described in subsection (4) comes from a third party, the information must include details of the source of the information and the date to which the information relates.

(6) The arrangement comes into force,—

(a) if the Registrar approves the arrangement before the expiry of 7 days after the day on which the Registrar is notified of the arrangement, when the Registrar gives that approval:

(b) if on the expiry of 7 days after the day on which the Registrar is notified of the arrangement the Registrar has neither approved nor cancelled the arrangement, on the eighth day after the day on which the Registrar is so notified.

(7) The defendant or, as the case requires, the defendant's representative—

(a) may make payments under the arrangement when it comes into force in accordance with subsection (6); and

(b) is not prevented from making payments in respect of a fine if those payments are not part of the arrangement.

Section 86C: inserted, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86D Bailiff may vary, suspend, or cancel arrangement for extension of time to pay fine

(1) A bailiff may determine that an arrangement extending the time to pay a fine be varied, suspended, or cancelled if the bailiff has reason to believe that—

(a) the defendant or, as the case requires, the defendant's representative has, for the purpose of entering into the arrangement, supplied false or misleading information about the financial position of the defendant or, as the case requires, the defendant's representative; or

(b) the financial position of the defendant or, as the case requires, the defendant's representative has changed significantly since the date on which the arrangement was entered into.

(2) A bailiff may determine that an arrangement extending the time to pay a fine be varied, suspended, or cancelled if another fine that is not subject to the arrangement is imposed on the defendant and—

(a) the defendant agrees to the determination proposed by the bailiff; or

(b) the defendant defaults in the payment of the subsequent fine, and—

(i) the bailiff is unable to contact the defendant; or

(ii) the bailiff contacts the defendant but is unable to reach an agreement with the defendant as to how the subsequent fine is to be paid.

(3) If, in a case where a representative of a defendant is party to an arrangement extending the time to pay a fine, a further fine that is not subject to the arrangement is imposed on the defendant, the bailiff may determine that the arrangement—

(a) be varied, suspended, or cancelled if the representative agrees to the determination proposed by the bailiff:

(b) be suspended or cancelled if the defendant defaults in the payment of the subsequent fine, and—

(i) the bailiff is unable to contact the representative; or

(ii) the bailiff contacts the representative but is unable to reach an agreement with the representative as to how the subsequent fine is to be paid.

(4) If subsection (1), (2)(b)(ii), or (3)(b)(ii) applies, the bailiff must, before he or she makes a determination in relation to the arrangement,—

(a) notify the defendant or, as the case requires, the representative—

(i) of the proposed determination and the reasons for the proposed determination; and

(ii) that the defendant or, as the case requires, the defendant's representative may give reasons, in an oral or a written submission to the bailiff, why the proposed determination should not be made; and

(iii) that, if it is intended to make an oral submission, that intention must be advised to the bailiff within 10 days after the date of the notification and that any such submission must be made at a time specified by the bailiff; and

(iv) that any written submission must be received by the bailiff within 10 days after the date of the notification; and

(b) consider any—

(i) oral submission made in accordance with paragraph (a)(iii); and

(ii) written submissions received within the 10-day period referred to in paragraph (a)(iv).

(5) Any written submissions that may be made under subsection (4) may be made electronically.

(6) In no case may a fine to which a determination relates remain unpaid for more than 5 years after the date on which the determination takes effect.

(7) As soon as practicable after the bailiff makes a determination under this section, the bailiff must notify the Registrar of the determination.

(8) When the Registrar is notified of the determination, the Registrar may, after taking into account any information received from any person about the financial position of the defendant or, as the case requires, the defendant's representative, cancel the determination within 7 days after being notified of that determination.

(9) In any case where any information described in subsection (8) comes from a third party, the information must include details of the source of the information and the date to which the information relates.

(10) If the Registrar does not cancel the determination, the determination comes into force 8 days after the Registrar is notified of that determination or on the day on which the Registrar sooner approves the determination.

Section 86D: inserted, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86DA Chief executive may approve automated electronic system to arrange extension of time to pay fine or to vary or suspend existing arrangement

(1) If a fine is payable and not subject to an order for immediate payment, the chief executive may enter into an arrangement with a defendant or with his or her representative, or agree to vary or suspend an existing arrangement, to allow for either or both of the following:

(a) a greater time for payment:

(b) payment to be made by instalments.

(2) An arrangement under subsection (1) may not permit a fine to remain unpaid,—

(a) unless paragraph (b) or (c) applies, for more than 5 years after the date on which the arrangement is entered into:

(b) if an existing arrangement is varied, for more than 5 years after the date on which the variation is agreed:

(c) if an existing arrangement is suspended, for more than 5 years after the date on which payments resume under the arrangement.

(3) Subject to section 86DC, the chief executive may approve an automated electronic system to be administered by the Ministry of Justice to—

(a) receive and process applications for an arrangement or to vary or suspend an existing arrangement under subsection (1); and

(b) enter into or decline to enter into an arrangement, or vary or suspend or decline to vary or suspend an existing arrangement, under subsection (1).

(4) If the chief executive approves an automated electronic system under subsection (3), he or she must also approve procedures for the operation of the system, which must include procedures for,—

(a) subject to this section, setting the criteria for determining whether an arrangement will be entered into, varied, or suspended; and

(b) identifying the information that will be sought from or about a defendant when an application under this section is made (which must be limited to information relevant to the application); and

(c) notifying the defendant or his or her representative that he or she may apply to vary or suspend an arrangement if it becomes too onerous or if the defendant's financial circumstances change; and

(d) a review by a person, under section 86DC(1)(b), of any action taken under this section by the system and notifying the defendant or his or her representative about that option.

(5) If an application made under this section is declined, a defendant or his or her representative may apply to a Registrar or a bailiff under section 86 or 86C to extend the time to pay the fine.

(6) In this section and section 86DB,—

arrangement means an arrangement extending the time to pay a fine

existing arrangement means an arrangement that was previously entered into under this Part with a Registrar, a bailiff, or the chief executive and under which payments are still being made

vary includes adding a further fine to an existing arrangement.

Section 86DA: inserted, on 14 November 2018, by section 61 of the Courts Matters Act 2018 (2018 No 50).

86DB Chief executive may approve automated electronic system to add fine to existing arrangement, attachment order, or deduction notice without notice

(1) The chief executive may, without notice, but subject to subsection (2) and any procedures approved under subsection (4), add the amount of another fine to an existing arrangement, attachment order, or deduction notice if—

(a) another fine is imposed on the defendant; and

(b) the defendant defaults in the payment of the fine and does not enter into an arrangement with a Registrar, a bailiff, or the chief executive to extend the time to pay.

(2) The addition of another fine to an existing arrangement or attachment order under subsection (1) must not have the effect that either of those measures continues to operate for more than 5 years after the date on which the last fine is added, unless the measure is varied or suspended under this Part.

(3) Subject to section 86DC, the chief executive may approve an automated electronic system to be administered by the Ministry of Justice to perform the actions described in subsection (1).

(4) If the chief executive approves an automated electronic system under subsection (3), he or she must also approve procedures for the operation of the system, which must include procedures for,—

(a) if a fine has been added to an existing arrangement, notifying the defendant of the new amount owing under the arrangement and the period over which payments will need to be made; and

(b) if a fine has been added to an existing attachment order or deduction notice, making a new order or issuing a new notice to replace the existing order or notice, giving a copy to the defendant, and serving a copy on the defendant's employer or bank; and

(c) notifying the defendant that he or she may apply—

(i) to vary or suspend an arrangement, attachment order, or deduction notice if the payments become too onerous or if his or her financial circumstances change:

(ii) for a review by a person under section 86DC(1)(b) of any action taken under this section by the system.

Section 86DB: inserted, on 14 November 2018, by section 61 of the Courts Matters Act 2018 (2018 No 50).

86DC Approval of automated electronic systems

(1) The chief executive may approve the automated electronic systems described in this Part only if satisfied that—

(a) each system has the capacity to do any actions required with reasonable reliability; and

(b) there is a process available under which a person affected by an action performed by an electronic system can have that action reviewed by a person authorised by the chief executive to review those actions, without undue delay.

(2) A person authorised by the chief executive under subsection (1) to review actions may, on a review of an action, confirm, vary, or cancel the action.

(3) An action confirmed or varied under subsection (2) must, for the purposes of this Part, be treated as an arrangement with the chief executive.

Section 86DC: inserted, on 14 November 2018, by section 61 of the Courts Matters Act 2018 (2018 No 50).

86DD Registrar or chief executive may require bank to cancel automatic payment

(1) When an arrangement to pay a fine is made with a Registrar, a bailiff, or the chief executive under this Part, a Registrar or the chief executive may, at any time, notify a bank from which any payment or payments have been received, including by way of automatic payment, to stop any further payments after a particular date.

(2) If a bank receives advice from a Registrar or the chief executive under subsection (1), it must stop any further payments after the date stated in the notice, whether or not the bank has the permission of the customer or account holder to do so.

Section 86DD: inserted, on 14 November 2018, by section 61 of the Courts Matters Act 2018 (2018 No 50).

86E Priority of payments received from defendant

(1) Any payments received from a defendant in respect of a fine must be applied in the following order of priority:

(a) in payment of any amount of reparation:

(b) in payment of any offender levy:

(c) in payment of any other type of fine.

(2) Subsection (1) applies regardless of when any amount owed by the defendant was imposed or became due.

Section 86E: inserted, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86F Manner in which amounts of reparation must be applied in cases involving same offence

(1) This section applies if a person (the **liable person**) is required to pay an amount of reparation to 2 or more persons in relation to the same offence (whether the requirement to pay the amount of reparation arose before or after the commencement of this section).

(2) Any payments received from the liable person must be applied, as between the persons to whom the defendant is required to pay reparation, in the proportion that reflects the relative total or proportionate amounts ordered to be paid to each of them (or in equal amounts if the court did not specify different amounts).

(3) Subsection (2) applies subject to any contrary direction by a court.

Section 86F: inserted, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86G Manner in which amounts of reparation must be applied in cases involving different offences

(1) This section applies—

(a) if a person (the **liable person**) is required to pay an amount of reparation to a person or persons in relation to an offence; and

(b) if the liable person is later required to pay an amount of reparation to another person or other persons in relation to another offence; and

(c) if both the amounts referred to in paragraphs (a) and (b) have not been paid in full; and

(d) whether the requirements to pay the amounts referred to in paragraphs (a) and (b) arose before or after the commencement of this section.

(2) For the purpose of subsection (1), it does not matter whether or not the offence referred to in subsection (1)(b) is of the same kind as the offence referred to in subsection (1)(a).

(3) Any payments received from the liable person must, in respect of 1 or more amounts of reparation imposed on the same day in respect of different offences committed by the liable person, be applied (in accordance with section 86F if applicable)—

(a) as between the persons to whom the defendant is required to pay the reparation; and

(b) in the proportion that reflects the relative total or proportionate amounts ordered to be paid to each of them.

(4) Any payments received from the liable person must, in respect of any amounts of reparation imposed on the liable person on different days, be applied (in accordance with section 86F or subsection (3), if applicable) first in satisfaction of the amount of reparation that was imposed first in time.

(5) After the amount of reparation referred to in subsection (4) has been paid in full, any further payments received from the liable person must next be applied (in accordance with section 86F or subsection (3), if applicable) in satisfaction of the amount of reparation that was imposed next in time.

(6) This section applies subject to any contrary direction by a court.

Section 86G: inserted, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86H No Crown liability for error, etc, in applying payments of amounts of reparation

The Crown is not liable to any person for any error, omission, or delay in applying any payment of an amount of reparation in accordance with sections 86E to 86G.

Section 86H: inserted, on 13 February 2012, by section 18 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

86I Financial assessment if fine is unpaid

(1) This section applies if—

(a) a fine is unpaid; and

(b) the Registrar considers it would be desirable to require the defendant to undertake a financial assessment before deciding what enforcement action to undertake under section 87.

(2) The Registrar may order that the defendant be brought before the court to enable the Registrar to undertake a financial assessment of the defendant.

Section 86I: inserted, on 14 November 2018, by section 62 of the Courts Matters Act 2018 (2018 No 50).

87 Action if fine or instalment not paid or if arrangement or attachment order cancelled

(1) This section applies if—

(a) the defendant defaults in the payment of any fine; or

(b) the defendant defaults in the payment of any instalment in respect of a fine that may be paid by instalments; or

(c) a Registrar cancels an arrangement extending the time to pay a fine, or an attachment order, in accordance with section 86A; or

(d) an arrangement extending the time to pay a fine is cancelled in accordance with section 86D.

(2) The Registrar may—

(a) issue a warrant to seize property; or

(b) make an attachment order attaching any salary or wages payable or to become payable to the defendant; or

(c) issue a deduction notice requiring a bank to deduct the amount due from a sum payable or to become payable to the defendant.

(2A) If this section applies and the total amount of any fine or fines owed by a defendant is $5,000 or more,—

(a) a charge applies to that amount; and

(b) the charge may be registered against land owned by the defendant, in accordance with the Statutory Land Charges Registration Act 1928 or sections 117 to 121 of the Land Transfer Act 2017, as the case requires, and the provisions of those Acts apply accordingly.

(2B) If a defendant defaults in payment of a fine, the chief executive may make an attachment order attaching any salary or wages payable or becoming payable to the defendant.

(2C) Subject to section 86DC, the chief executive may approve an automated electronic system to be administered by the Ministry of Justice to make an attachment order under subsection (2B).

(2D) If the chief executive approves an automated electronic system under subsection (2C), he or she must also approve procedures for the operation of the

system, which (where relevant) must be consistent with sections 103, 104, and 105.

(2E) For each attachment order (if any) made under subsection (2B), the defendant is liable to pay a single fee in the amount set under regulations made under this Act in respect of enforcement action taken under this Act to enforce a fine, except that the fee may be waived if the chief executive is satisfied that the defendant does not have the means to pay the fee.

(3) Enforcement procedures commenced under this section must cease on payment of the unpaid amount of the fine.

(4) If a default is made in the payment of any instalment in respect of a fine that may be paid by instalments, proceedings may be taken as if default had been made in the payment of all instalments that remain unpaid.

(5) Subsection (2)(a) does not apply if the only amount in default is an offender levy.

(6) The powers conferred by this section may not be exercised by a Registrar who is a constable.

Section 87: replaced, on 13 February 2012, by section 19 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87(2A): inserted, on 14 November 2018, by section 63 of the Courts Matters Act 2018 (2018 No 50).

Section 87(2B): inserted, on 14 November 2018, by section 63 of the Courts Matters Act 2018 (2018 No 50).

Section 87(2C): inserted, on 14 November 2018, by section 63 of the Courts Matters Act 2018 (2018 No 50).

Section 87(2D): inserted, on 14 November 2018, by section 63 of the Courts Matters Act 2018 (2018 No 50).

Section 87(2E): inserted, on 14 November 2018, by section 63 of the Courts Matters Act 2018 (2018 No 50).

87AAA Agreements to vary charge on land

(1) If any land owned by a defendant is subject to a charge referred to in section 87(2A)(b), a Registrar may, if he or she considers that it would be unjust or unreasonable to require immediate payment of the amount charged, enter into an agreement with the defendant for the release of all or part of the land from all or part of the charge.

(2) The agreement may provide for all or part of the charge to attach to any other land owned by the defendant, and may be subject to conditions.

(3) The agreement has the effect of—

(a) releasing from the charge any land agreed to be released from the charge; and

(b) subjecting any land agreed to be subject to a charge to the charge as agreed.

Section 87AAA: inserted, on 29 October 2019, by section 64 of the Courts Matters Act 2018 (2018 No 50).

87AAB Enforcement of charge on land

A transfer or an act done with the intention, or having the effect, of defeating a charge referred to in section 87(2A) is void, except where the transfer or act is to, or in favour of, a purchaser in good faith for value who, at the time of the transfer or act, had no notice of the charge.

Section 87AAB: inserted, on 29 October 2019, by section 64 of the Courts Matters Act 2018 (2018 No 50).

87AA Power to obtain information in respect of beneficiaries

(1) If—

(a) the Registrar is—

(i) considering whether to make an attachment order under section 87(2)(b) in respect of salary or wages payable or to become payable to a defendant; or

(ia) considering whether an arrangement extending the time to pay a fine or an attachment order is to be varied, suspended, or cancelled under section 86A or 86D; or

(ii) assessing the amount of the protected earnings rate referred to in section 105(7); and

(b) the salary or wages of the defendant includes a benefit; and

(c) the Registrar wishes to verify information supplied by the defendant in respect of that benefit, or obtain information relating to the defendant in respect of that benefit, or obtain and verify that information,—

the Registrar may require the chief executive of the department for the time being responsible for the administration of the Social Security Act 2018 (**the chief executive**) to provide the Registrar with the information specified in subsection (2) that is known to the chief executive.

(2) The information referred to in subsection (1) is—

(a) the amount of any benefit that is paid to the defendant:

(b) the amount of any attachment order or deduction notice that applies to the defendant and is made or given or issued under any of the following Acts:

(i) the Social Security Act 2018:

(ii) the Family Proceedings Act 1980:

(iii) the Child Support Act 1991:

(iv) the Tax Administration Act 1994:

(c) any amount that is being recovered from the defendant under regulations made under section 444 of the Social Security Act 2018:

(d) the composition of the defendant's family, including the number of family members who are dependent on the defendant:

(e) the residential address and all telephone numbers of the defendant:

(f) the type of any benefit that is paid to the defendant:

(g) the unique number assigned to the defendant in his or her capacity as a beneficiary.

(3) The chief executive must comply with a requirement under subsection (1)—

(a) within a reasonable period; and

(b) in the manner specified in the requirement; and

(c) without imposing a charge.

(3AA) A requirement under subsection (1) may be made by post or by fax, email, or other electronic means.

(3A) If the defendant has died and the chief executive is aware of that fact, the chief executive must advise the Registrar accordingly on receipt of a requirement under subsection (1).

(4) This section does not apply if the Registrar is directed under section 88AE(1)(a) to issue a warrant to seize property or to make an attachment order or to issue a deduction notice.

Section 87AA: inserted, on 1 November 1998, by section 21 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 87AA(1): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 87AA(1): amended, on 13 February 2012, by section 20(4) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(1): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 87AA(1)(a)(i): amended, on 13 February 2012, by section 20(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(1)(a)(ia): replaced, on 13 February 2012, by section 20(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(1)(a)(ii): amended, on 13 February 2012, by section 20(3) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(2)(b)(i): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 87AA(2)(c): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 87AA(2)(e): inserted, on 9 October 2006, by section 13(2) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87AA(2)(e): amended, on 13 February 2012, by section 20(5) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(2)(f): inserted, on 9 October 2006, by section 13(2) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87AA(2)(g): inserted, on 9 October 2006, by section 13(2) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87AA(2)(g): amended, on 13 February 2012, by section 20(6) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(3): amended, on 13 February 2012, by section 20(7)(a) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(3): amended, on 1 October 1998, by section 11 of the Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96).

Section 87AA(3)(b): amended, on 13 February 2012, by section 20(7)(b) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(3AA): inserted, on 13 February 2012, by section 20(8) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(3A): inserted, on 9 October 2006, by section 13(3) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87AA(3A): amended, on 13 February 2012, by section 20(9) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87AA(4): amended, on 13 February 2012, by section 26 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

87A Publication of name of fine defaulter

(1) This section applies if—

(a) a defendant has been ordered by a court (other than the Youth Court) to pay any fine; and

(b) the defendant has not made any payment in respect of the fine for at least 3 months before the date on which the Registrar proposes to arrange the publication of a notice under subsection (2) relating to the defendant; and

(c) the defendant owes not less than $500 in 1 or more unpaid fines; and

(d) either the fine is not subject to any arrangement under section 81(1)(a) or 86 or 86C allowing payment of the fine over a specified period or the fine is subject to such an arrangement but the defendant is not for the time being observing the terms of the arrangement; and

(e) no name suppression order was made in respect of the defendant in the proceedings in which the fine was imposed; and

(f) the Registrar has been unable to locate the defendant after using reasonably available sources of information; and

(g) the Registrar has confirmed the identity of the defendant by checking information held in relation to the defendant on any database accessible to the Registrar; and

(h) the Registrar has no reason to suspect that the defendant has died.

(2) If this section applies, the Registrar may cause notice of the fine defaulter to be published in any newspaper and the notice may include 1 or more of the following details:

(a) the name of the defendant:

(b) the defendant's current or last known address:

(c) the defendant's age (in years).

(3) A Registrar who causes the publication under subsection (2) of any particulars relating to a defendant shall take all reasonable steps to ensure that the particulars published are accurate and current.

Section 87A: inserted, on 1 April 1996, by section 12 of the Summary Proceedings Amendment Act 1995 (1995 No 64).

Section 87A heading: amended, on 13 February 2012, by section 46 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87A(1)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 87A(1)(c): amended, on 13 February 2012, by section 46 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87A(1)(d): amended, on 13 February 2012, by section 21 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87A(2): amended, on 13 February 2012, by section 46 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87A(2): amended, on 9 October 2006, by section 14 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

87B Deduction of fines

(1) This section applies if—

(a) a fine is payable by a defendant; and

(b) the defendant is, by virtue of an order made under section 81(1)(a) or 83(1), an arrangement made under section 86, 86C, or 86DA, or a direction given under section 88AE(1)(h),—

(i) ordered to pay the fine immediately; or

(ii) allowed a greater time for payment; or

(iii) allowed to pay by instalments; and

(c) the defendant either—

(i) fails to comply with the order, arrangement, direction, or condition; or

(ii) refuses, without reasonable excuse, to enter into an arrangement.

(1A) The Registrar may issue a deduction notice requiring a bank to deduct the amount due from a sum that is payable or becomes payable to the defendant, until the deduction notice is revoked in accordance with section 87C or discharged under section 87H.

(2) The Registrar must specify in the deduction notice—

(a) whether the deduction is to be made as a lump sum or by instalments; and

(b) the time or times by which the bank must pay the amounts deducted; and

(ba) that the amounts deducted must be paid to a person, or into a trust account, in accordance with section 208; and

(c) the date on which the deduction notice takes effect, which date is not earlier than the date on which it was issued.

(2A) The deduction notice issued by the Registrar must specify that if on any occasion the amount of a deduction required to be made is greater than the amount that is payable or becomes payable to the defendant, the amount to be deducted on that occasion is the amount that is payable or becomes payable to the defendant.

(3) The Registrar must give the defendant a copy of the deduction notice.

(4) Every bank to which a deduction notice is issued must, on request, give the defendant a statement in writing of any amount deducted, and of the purpose for which the deduction was made.

(5) If any question arises in any case as to the priority to be accorded to deduction notices issued under this section, the following have priority over those deduction notices:

(a) 1 or more attachment orders or deduction notices made or given or issued under any of the following Acts:

(i) the Social Security Act 2018:

(ii) the Family Proceedings Act 1980:

(iii) the Child Support Act 1991:

(iv) the Tax Administration Act 1994:

(b) the recovery of payments under regulations made under section 444 of the Social Security Act 2018.

(6) Every deduction notice is subject to section 87I.

Section 87B: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 87B(1): replaced, on 13 February 2012, by section 22 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87B(1)(b): amended, on 14 November 2018, by section 65 of the Courts Matters Act 2018 (2018 No 50).

Section 87B(1A): inserted, on 13 February 2012, by section 22 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87B(2)(b): replaced, on 9 October 2006, by section 15(1) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87B(2)(ba): inserted, on 9 October 2006, by section 15(1) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87B(2A): inserted, on 9 October 2006, by section 15(2) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87B(3): replaced, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87B(4): amended, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87B(5)(a)(i): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 87B(5)(b): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

87C Revocation of deduction notices

(1) The Registrar may revoke a deduction notice at any time by giving notice to the bank to which the deduction notice was issued, or by issuing a new deduction notice.

(2) At the request of the defendant, the Registrar must, in the manner specified in subsection (1), revoke the deduction notice if the Registrar is satisfied that the total amount due has been paid.

(3) *[Repealed]*

(4) *[Repealed]*

Section 87C: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 87C(1): amended, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87C(3): repealed, on 9 October 2006, by section 16 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 87C(4): repealed, on 9 October 2006, by section 16 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

87D Fine to be treated as being paid

(1) All amounts deducted in accordance with a deduction notice are to be treated as having been paid by the defendant in satisfaction of the defendant's liability to pay the fine.

(2) If any amounts are deducted in accordance with a deduction notice, the defendant's liability to pay the fine is not satisfied until the total amount due has been paid.

Section 87D: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

87E Deduction notices issued on banks

(1) When a deduction notice is issued to a bank, money held by the bank to the credit of the defendant is subject to the provisions of section 87B(1).

(2) If a bank makes a deduction required by a deduction notice, neither the defendant nor any other person concerned has any claim against that bank, or the Crown, in respect of that deduction.

Section 87E: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

87F Meaning of certain terms relating to banks

(1) For the purposes of sections 87C and 87E, money held by the bank to the credit of the defendant includes interest on any money that is on deposit or deposited with a bank to the credit of the defendant, whether or not—

(a) the deposit or depositing is on current account:

(b) the money is to be at interest at a fixed term or without limitation of time:

(c) the defendant has made an application to withdraw or uplift the money.

(2) For the purposes of subsection (1), money on deposit or deposited with a bank to the credit of the defendant includes money—

(a) that is held in a joint bank account in the name of the defendant and 1 or more other persons; and

(b) that can be withdrawn from the account by or on behalf of the defendant without a signature being required at the time of that withdrawal from, or on behalf of, the other person or persons.

Section 87F: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

87G Offences in relation to deduction notices

A person commits an offence and is liable on conviction to a fine not exceeding $2,000 who, without reasonable excuse,—

(a) fails to make any deduction required by a deduction notice; or

(b) fails, after making a deduction, to pay the amount deducted in accordance with section 208 within the time specified in the notice.

Section 87G: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 87G: amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 87G(b): amended, on 13 February 2012, by section 23 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

87H Variation or discharge of deduction notices

(1) If a bank to which a deduction notice is issued or a defendant considers that a deduction notice has been issued in error, or contains an error, the bank or defendant may bring the matter to the attention of the Registrar specified in the notice.

(2) If the matter is not rectified to the satisfaction of that bank or defendant (as the case may be) within 5 working days after the date on which that bank or defendant brings the matter to the attention of that Registrar, the bank or defendant may apply *ex parte* to the court for the variation or discharge of the notice.

(3) If the court is satisfied that an error has been made and that the notice ought to be varied or discharged, the court may vary or discharge the notice, and make any other orders that it considers just in the circumstances.

(4) The variation or discharge takes effect when notice of it is served on the bank or defendant (as the case may be).

Section 87H: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 87H(4): amended, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

87I Penalty for late deductions

(1) If a bank to which a deduction notice is issued fails, without reasonable excuse, to—

(a) deduct the full amount or part of the amount required by the notice; or

(b) pay the full amount or part of the amount required by the notice to the Registrar by the time specified in the notice,—

the bank is liable to pay in accordance with section 208 a penalty calculated in accordance with subsection (2).

(2) The penalty referred to in subsection (1) must be calculated as follows:

(a) on the amount in default, the greater of 10% of that amount or $5:

(b) for each additional month or part of a month during which the amount in default or any part of that amount has not been deducted or has not been paid to the Registrar, a further penalty of the greater of 2% of that amount or part of that amount or $1.

(3) If a penalty is payable by a bank under subsection (1), the Registrar, in his or her discretion, may remit the whole or part of that penalty if he or she is satisfied that—

(a) the failure to make the deduction or make the payment was due to circumstances reasonably beyond the bank's control; or

(b) in all the circumstances, the imposition of that penalty would be inequitable.

(4) If the Registrar decides to remit the whole or part of any penalty and any amount of the penalty has been paid under this section, the Registrar may refund any excess.

(5) Any amount payable under subsection (1) is a debt due to the Crown and may be recovered from the bank by the Crown in any court of competent jurisdiction.

Section 87I: inserted, on 1 November 1998, by section 23 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 87I(1): amended, on 13 February 2012, by section 24(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 87I(5): amended, on 13 February 2012, by section 24(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

87J Giving of notices

[Repealed]

Section 87J: repealed, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

88 Actions if fine remains unpaid

(1) This section applies if—

(a) the Registrar has taken enforcement action under section 87(2), (2A), or (2B), but the fine remains unpaid; or

(b) the Registrar is satisfied that the defendant does not have the means to pay the fine; or

(c) the Registrar is satisfied that—

(i) reasonable steps have been taken to locate the defendant, but the defendant has not been located and therefore enforcement action would be unlikely to be effective; or

(ii) for any other reason (and even though enforcement action has not been taken), enforcement action would be unlikely to be effective.

(2) The Registrar may—

(a) order that the defendant be brought before the Registrar; or

(b) refer the matter to a District Court Judge or Community Magistrate with a report on the circumstances of the case.

(3) If the Registrar refers a matter to a District Court Judge or Community Magistrate, the Registrar may order that the defendant be brought before the Judge or Community Magistrate.

(4) For the purposes of subsection (2)(a) or (3), the Registrar may, if necessary, issue a warrant for the arrest of the defendant.

(5) Despite subsection (1), this section does not apply if the only amount that remains unpaid is an offender levy.

Section 88: replaced, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 88(1)(a): amended, on 14 November 2018, by section 66(1) of the Courts Matters Act 2018 (2018 No 50).

Section 88(1)(c)(ii): amended, on 14 November 2018, by section 66(2) of the Courts Matters Act 2018 (2018 No 50).

88AA Form and execution of warrant for arrest

(1) A warrant for arrest issued under section 88(4) may be in the form of a computer printout of information entered by a Registrar into a computer system accessible to the Police or a bailiff.

(2) In addition to subsection (1), the following provisions apply to the warrant for arrest:

(a) information about a defendant that the Registrar entered may be printed out by a constable or bailiff, and for all purposes constitutes a warrant for the arrest of the defendant:

(b) the warrant is valid for a period of 7 days beginning on the date of its printing, and the warrant then lapses:

(c) at any time and from time to time after a warrant lapses under paragraph (b),—

(i) the Registrar may re-enter the particulars into the same computer system or enter the particulars into any other computer system available to the Police or a bailiff:

(ii) a constable or bailiff may obtain a further printout of the original information entered by the Registrar or obtain a printout of the re-entered information or of the information entered into the other computer system, and each one of the printouts constitutes a fresh warrant for the arrest of the defendant.

(3) A constable or bailiff may execute a warrant for arrest issued under section 88(4) or a computer printout that, under this section, constitutes a warrant for arrest.

(4) This section does not limit any other provision of this Act.

(5) For the purposes of this Act, a warrant to arrest is issued when a Registrar enters the details of that warrant into a computer system accessible to the Police or a bailiff.

Section 88AA: inserted, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 88AA(5): inserted, on 14 November 2018, by section 67 of the Courts Matters Act 2018 (2018 No 50).

88AB Provisions for defendant arrested under warrant for arrest issued for purpose of section 88(2)(a)

If a defendant is arrested under a warrant for arrest issued for the purpose of section 88(2)(a), the following provisions apply:

(a) the defendant must be brought before the Registrar:

(b) the defendant is bailable as of right:

(c) section 168 of the Criminal Procedure Act 2011 and Part 3 of the Bail Act 2000 apply with any necessary modifications as if the appearance before the Registrar constituted part of the hearing of a charge:

(d) for the purpose of any bail application by the defendant, if the defendant cannot practicably be brought immediately before the Registrar, a District Court Judge, or a Community Magistrate, then a Police employee or

a bailiff may grant bail to the defendant, and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if the bail were granted by a Police employee under section 21(1) of that Act.

Section 88AB: inserted, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 88AB(c): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 88AB(d): replaced, on 4 September 2013, by section 45(2) of the Bail Amendment Act 2013 (2013 No 66).

88AC Provisions for defendant arrested under warrant for arrest issued for purpose of section 88(3)

If a defendant is arrested under a warrant for arrest issued for the purpose of section 88(3), the following provisions apply:

(a) the defendant must be brought before a District Court Judge or Community Magistrate or, if neither a District Court Judge nor a Community Magistrate is available, the Registrar:

(b) if the defendant is brought before the Registrar, the Registrar must appoint a time and place for the defendant to appear before a District Court Judge or Community Magistrate:

(c) the defendant is bailable as of right:

(d) section 168 of the Criminal Procedure Act 2011 and Part 3 of the Bail Act 2000 apply with any necessary modifications as if the appearance before the Registrar or a District Court Judge or Community Magistrate constituted part of the hearing of a charge:

(e) if the defendant cannot practicably be brought immediately before the Registrar, a District Court Judge, or a Community Magistrate, then a Police employee or a bailiff may grant bail to the defendant, and Parts 1 to 3 of the Bail Act 2000 apply, with any necessary modifications, as if the bail were granted by a Police employee under section 21(1) of that Act.

Section 88AC: inserted, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 88AC(d): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 88AC(e): replaced, on 4 September 2013, by section 45(3) of the Bail Amendment Act 2013 (2013 No 66).

88AD Powers of Registrar in relation to defendant brought before Registrar

(1) If a defendant is brought before a Registrar under section 88(2)(a), the Registrar may examine the defendant as to the defendant's financial position.

(2) The Registrar may also—

(a) invoke 1 or more of the enforcement actions in section 87(2); or

(b) enter into an arrangement with the defendant under section 86; or

(c) if the Registrar is satisfied that neither of the actions described in paragraphs (a) and (b) will be effective, refer the defendant to a District Court Judge or Community Magistrate with a report on the case (in which case sections 88(3) and (4), 88AA, and 88AC apply).

Section 88AD: inserted, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

88AE Powers of District Court Judge or Community Magistrate after considering report of Registrar under section 88(2)(b) or 88AD(2)(c)

(1) After considering the report of the Registrar prepared under section 88(2)(b) or 88AD(2)(c) and the defendant's financial position (whether determined from a declaration of financial capacity prepared by the defendant or from other sources), a District Court Judge or Community Magistrate may—

(a) refer the matter to the Registrar with a direction that 1 or more of the enforcement actions referred to in section 87(2) or (2A), as specified in the direction, be invoked; or

(ab) if the total amount of any fine or fines owed by the defendant is $50,000 or more and the District Court Judge or Community Magistrate is satisfied that a sale order will not cause undue hardship to the defendant or the dependants of the defendant, make a sale order in a form approved under section 209A authorising the District Court Judge, Community Magistrate, or Registrar, as the case requires, to sell some or all of the defendant's property (including land under the Land Transfer Act 1952), and the proceeds of sale must be dealt with under section 100RA; or

(b) subject to section 106E, direct that a warrant of commitment in the prescribed form be issued; or

(c) subject to sections 80A to 80ZM of the Sentencing Act 2002 and section 106E of this Act, sentence the defendant to a sentence of home detention; or

(d) subject to sections 69B to 80 of the Sentencing Act 2002 and section 106E of this Act, sentence the defendant to a sentence of community detention; or

(e) subject to sections 55 to 80 of the Sentencing Act 2002 and section 106E of this Act, sentence the defendant to community work; or

(f) direct that action be taken for a lesser amount than the fine due; or

(g) if the amount that the defendant owes for 1 unpaid fine, or in total for more than 1 unpaid fine, is $5,000 or more, refer the matter to the Registrar with a direction that action be taken to enforce 1 or all of the fines making up the total owing by the defendant as if the fine or fines were an order for the payment of money and as if the Registrar had obtained the order; or

(h) direct that a greater time for payment of the fine be allowed, subject to any conditions that the Judge or Community Magistrate may direct; or

(i) direct that no further enforcement proceedings be taken for the fine for any period or subject to any conditions that the Judge or Community Magistrate may direct; or

(j) remit the fine or a part of the fine.

(2) A Community Magistrate may not—

(a) direct the issue of a warrant of commitment under subsection (1)(b):

(b) sentence a defendant to a sentence of home detention under subsection (1)(c).

(3) If a Community Magistrate considers that the issue of a warrant of commitment or a sentence of home detention is appropriate in any case, the Community Magistrate must refer the matter to a District Court Judge (in which case sections 167 to 170 of the Criminal Procedure Act 2011, to the extent that they are applicable and with the necessary modifications, apply).

(4) Despite subsection (1), a period of imprisonment or a sentence of home detention must not be imposed on the defendant for a fine if—

(a) the fine was imposed for a traffic offence (as defined in section 2(1) of the Oranga Tamariki Act 1989) not punishable by imprisonment; and

(b) at the date of the commission of the offence, the defendant was a young person within the meaning of that Act.

(5) If a District Court Judge or Community Magistrate exercises any power conferred by subsection (1) and considers it appropriate to do so, he or she may also make an order under section 88AG for the return of the defendant.

(6) The remission of the whole or any part of an amount of reparation does not affect the right of the person who suffered the harm, loss, or damage to bring civil proceedings, or make claims under any accident compensation legislation applicable at the time of the offending, to recover the amount so remitted.

Section 88AE: inserted, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 88AE heading: amended, on 26 March 2015, by section 7(1) of the Summary Proceedings Amendment Act 2015 (2015 No 35).

Section 88AE(1): amended, on 26 March 2015, by section 7(2) of the Summary Proceedings Amendment Act 2015 (2015 No 35).

Section 88AE(1)(a): amended, on 29 October 2019, by section 68(1) of the Courts Matters Act 2018 (2018 No 50).

Section 88AE(1)(ab): inserted, on 29 October 2019, by section 68(2) of the Courts Matters Act 2018 (2018 No 50).

Section 88AE(3): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 88AE(4)(a): amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

88AF Further provisions relating to powers of District Court Judge or Community Magistrate in section 88AE

(1) A warrant of commitment or a sentence of community work, community detention, or home detention may be issued or imposed under section 88AE(1) even though the defendant was not liable to be imprisoned on the determination of the charge for which the fine was imposed.

(2) Any warrant of commitment directed to be issued under section 88AE(1)(b) may be issued by any District Court Judge and may be withdrawn at any time by any District Court Judge.

(3) If any direction is given under section 88AE(1)(f), the difference between the amount due under the fine and the amount for which action is directed to be taken under that provision is no longer payable and no proceedings may be taken or continued for its recovery.

(4) If a District Court Judge or Community Magistrate makes any order (other than a direction for the issue of a warrant of commitment) under section 88AE, the Judge or Community Magistrate may postpone the issue or defer the operation of the order for any period and subject to any conditions that he or she may direct.

Section 88AF: inserted, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 88AF(1): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

88AG Power of District Court Judge or Community Magistrate to order return of defendant

(1) If a District Court Judge or Community Magistrate makes any order (other than an order that directs the issue of a warrant of commitment) under section 88AE and considers it appropriate to do so, he or she may also issue an order for the return of the defendant. However, the order must not be executed until the time that the defendant ceases to comply with any of the conditions of the order under section 88AE, including (without limitation) the making of periodic payments due under an attachment order.

(2) A constable or bailiff may execute an order for the return of the defendant issued under subsection (1).

(3) If a fine is being paid by attachment order, no order issued under subsection (1) for the return of a defendant may be executed until the time that the Registrar has confirmed with the employer that no periodic payment or payments have been made and the reason why no payment or payments have been made.

(4) If a defendant is detained in accordance with an order issued under subsection (1), the provisions of section 88AC apply.

Section 88AG: inserted, on 13 February 2012, by section 25 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

88A Civil enforcement of fines

(1) If, under section 88AE(1)(g), a District Court Judge gives a direction in relation to 1 or more fines, the District Court is deemed to have made, in its civil jurisdiction, an order that the defendant pay the Registrar the total amount of that fine or those fines.

(2) The order deemed to have been made under subsection (1) may be enforced as if that order were a final order for the payment of money and as if the Registrar were the relevant judgment creditor.

(3) The Registrar may take steps, under section 120 of the District Court Act 2016, to have the order deemed to have been made under subsection (1) removed into the High Court.

(4) Action to enforce the order deemed to have been made under subsection (1) must be taken—

(a) under the District Court Act 2016 and the District Court Rules 2014 unless that order is removed into the High Court; or

(b) under the High Court Rules 2016 if that order is removed into the High Court.

Section 88A: replaced, on 13 February 2012, by section 27 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 88A(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 88A(4)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 88A(4)(b): amended, on 18 October 2016, by section 183(c) of the Senior Courts Act 2016 (2016 No 48).

88B Remission of fine

(1) The Registrar may make an order remitting an amount of reparation if—

(a) the amount outstanding is $25 or less; and

(b) the amount of reparation was imposed at least 3 years before the date on which the Registrar makes the order remitting it; and

(c) the Registrar has—

(i) obtained the consent of the person who suffered the harm, loss, or damage; or

(ii) made reasonable efforts to find the person who suffered the harm, loss, or damage to obtain his or her consent, and has not been able to find that person and obtain his or her consent.

(2) The Registrar may make an order remitting any fine that does not include reparation if—

(a) the amount outstanding is not greater than $50 or any other amount prescribed by regulations made under section 212; and

(b) the fine was imposed at least 1 year before the date on which the Registrar makes the order remitting the fine.

(3) The Registrar may at any time make an order remitting any fine other than reparation if the Registrar is satisfied that the defendant is a deceased individual or a body corporate or an unincorporated body that has been wound up.

(4) For the purposes of subsections (1) to (3), court costs or other costs that are referable to any reparation must be excluded from that reparation.

(5) The Registrar may at any time make an order remitting any amount of court costs and costs associated with the enforcement of a fine, including court costs and costs associated with the enforcement of reparation or any offender levy.

(6) The Registrar may at any time make an order remitting any fine that is lower than the lowest amount expressed on any coin that is legal tender in New Zealand.

Section 88B: replaced, on 23 July 2011, by section 27 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

89 Rights of representation and appeal

(1) Every defendant attending before a District Court Judge or Community Magistrate pursuant to any provision of sections 88 to 88AG is entitled to be represented by a lawyer.

(2) If a defendant is sentenced to community work, community detention, or home detention under section 88AE(1) or is imprisoned pursuant to a warrant of commitment issued under that provision, the defendant has a right of appeal under section 244 of the Criminal Procedure Act 2011 as if the defendant had been convicted of an offence.

(3) On any such appeal under section 244 of the Criminal Procedure Act 2011 by a defendant sentenced by a District Court Judge, the High Court may, in accordance with its powers under section 251 of the Criminal Procedure Act 2011, remit the matter to a District Court Judge to be dealt with as that Judge thinks fit under section 88AE(1) of this Act, except that that Judge must not impose a sentence the same as that appealed against.

Section 89: replaced, on 30 June 1998, by section 22(1) of the Summary Proceedings Amendment Act (No 2) 1998 (1998 No 77).

Section 89(1): amended, on 14 November 2018, by section 69 of the Courts Matters Act 2018 (2018 No 50).

Section 89(1): amended, on 13 February 2012, by section 26 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 89(2): replaced, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 89(3): replaced, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

90 Scale of imprisonment for non-payment of fine

The period of imprisonment imposed under this Act in respect of the non-payment of 1 or more fines or where the sale of any property under any process does not produce sufficient proceeds to pay the fine, shall be such period as in the opinion of the court or District Court Judge fixing the period will satisfy the justice of the case, not exceeding, for each fine,—

(a) in the case of an offence that was punishable by a period of imprisonment of more than 3 months, the maximum term of imprisonment to which the defendant was liable on the conviction, or a period of 1 year, whichever is the lesser:

(b) in any other case, a period of 3 months.

Compare: 1957 No 87 s 103

Section 90: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 90: amended, on 13 February 2012, by section 46 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 90(a): amended, on 13 February 2012, by section 28 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

91 Defendant on substituted sentence to be discharged on payment of fine

(1) On the payment of 1 or more fines for which a defendant is imprisoned on a warrant of commitment for non-payment of the fine, the Registrar must immediately notify the prison manager of the payment, and the manager must discharge the defendant from the prison unless the defendant is also in custody for some other reason.

(2) On the payment of 1 or more fines for which a defendant is subject to a sentence of community work, community detention, or home detention for non-payment of the fine, the Registrar must immediately notify the probation officer supervising the sentence of the payment, and the probation officer must direct that the defendant be no longer subject to that sentence unless the defendant is also subject to a sentence of community work, community detention, or home detention (as the case may be) for some other reason.

(3) If a defendant who is subject to a period of imprisonment or any sentence referred to in subsection (2) makes part payment of not less than 10% of the total amount for which the period of imprisonment or sentence was imposed, the Registrar must immediately—

(a) calculate the amount of the part payment as a proportion of the total amount for which the period of imprisonment or sentence was imposed; and

(b) reduce the period of imprisonment or the sentence by the number of hours or days (whichever applies) that, as nearly as possible, bears the same proportion as the proportion referred to in paragraph (a); and

(c) notify the prison manager or the probation officer supervising the sentence of the payment and the reduction in the defendant's period of imprisonment or sentence.

(4) On completion of a term of imprisonment or any sentence referred to in subsection (2), the fine in respect of which the term of imprisonment or the sentence was imposed is remitted.

Section 91: replaced, on 13 February 2012, by section 29 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 91(1): amended, on 13 February 2012, by section 46 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 91(2): amended, on 13 February 2012, by section 46 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

92 Effect of warrant of commitment

A warrant of commitment issued under section 83(2)(b) or section 88AE(1)(b) shall require that the defendant be imprisoned in some prison for such time as the District Court Judge considers appropriate (not exceeding the appropriate maximum period specified in section 90, or section 19 of the Crimes Act 1961, as the case may be) unless the fine or any lesser amount directed by the Judge under section 88AE(1)(f) is sooner paid.

Compare: 1957 No 87 s 102

Section 92: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 92: amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 92: amended, on 13 February 2012, by section 26 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92: amended, on 13 February 2012, by section 30 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92: amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Disclosure of default balances to certain authorised persons

Heading: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

92A Interpretation

(1) In this section and in sections 92B to 92I, unless the context otherwise requires,—

access code means any form of data that enables a recognised user to submit a fine status query

agency—

(a) means any person or body of persons whether incorporated or not, and whether in the public sector or the private sector; and

(b) for the avoidance of doubt, includes a department

credit reporter has the same meaning as in the credit reporting code of practice, but regardless of whether payment for information about creditworthiness is involved and whether that information is in respect of individuals or bodies corporate

credit reporting code of practice means a code of practice relating to credit reporting for the time being issued under the Privacy Act 2020

fine status query means a query as to whether a query subject has a default balance and, if so, the amount of that balance

fine status response means a response to a fine status query

fines enforcement records means the records of the Ministry of Justice described in Schedule 4 of the Privacy Act 2020 in the item relating to the enforcement of fines and other orders

identifying particulars means,—

(a) in the case of an individual, the individual's—

(i) full name; and

(ii) former names and aliases (if any); and

(iii) sex; and

(iv) date of birth; and

(v) current address; and

(vi) previous addresses (if applicable), but not more than 2; and

(vii) occupation (if applicable); and

(viii) employer (if any) identified by name; and

(ix) driver licence number (if any) as defined in the credit reporting code of practice; and

(x) driver licence card number (if any) as defined in the credit reporting code of practice; and

(b) in the case of a person that is not an individual, the person's—

(i) full name; and

(ii) current address; and

(iii) previous addresses (if applicable), but not more than 2; and

(iv) trading name (if applicable)

query subject means the person about whom a fine status query is to be made, is being made, or has been made, under section 92D

recognised user means an agency that—

(a) is a credit reporter; or

(b) is a member of a class of persons specified by regulations made under section 92I for the purposes of this definition; or

(c) the Minister for Courts has, in accordance with criteria prescribed by regulations made under section 92I, authorised as a recognised user

subscriber, in relation to a credit reporter, means a person who, under an agreement that complies with requirements prescribed by the credit reporting code of practice, has access to information held by that credit reporter.

(2) Subparagraphs (ix) and (x) of the definition of **identifying particulars** in subsection (1) do not apply unless the definition of credit information in the credit reporting code of practice includes driver licence numbers and driver licence card numbers.

Section 92A: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92A(1) **agency**: replaced, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 92A(1) **credit reporting code of practice**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 92A(1) **fines enforcement records**: amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92B Purpose of disclosure and use of information

(1) The purpose of sections 92C to 92I is to provide incentives to defendants who have default balances to pay or resolve the required payments in accordance with this Act.

(2) In order to achieve that purpose, sections 92C to 92I—

(a) authorise the chief executive to disclose fine status responses to recognised users to enable—

(i) credit reporters to report that information to subscribers; and

(ii) recognised users other than credit reporters to assess the creditworthiness of query subjects and to protect themselves against the possible subordination of their security interests that might otherwise be required by this Act:

(b) authorise credit reporters to disclose fine status responses—

(i) to subscribers to enable them to assess the creditworthiness of query subjects:

(ii) to subscribers who are credit providers, to enable them to protect themselves against the possible subordination of their security interests that might otherwise be required by this Act:

(c) authorise the chief executive to use identifying particulars received from recognised users to enhance the accuracy and completeness of the fines enforcement records:

(d) require the chief executive to monitor the compliance of recognised users and to audit their records for that compliance.

Section 92B: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92B(2)(b): replaced, on 14 November 2018, by section 70 of the Courts Matters Act 2018 (2018 No 50).

92C Access codes

(1) If satisfied that an agency is a recognised user, the chief executive may issue to the agency an access code.

(2) The access code may be issued subject to any conditions or restrictions that the chief executive considers appropriate.

(3) If satisfied that a recognised user has breached any provision of this Act or regulations made under section 92I or has failed to comply with any conditions or restrictions imposed under subsection (2), the chief executive may, in accordance with regulations made under section 92I, cancel the access code issued to the recognised user.

(4) If the chief executive is satisfied that the access code of a recognised user should not have been cancelled or that any breach on the part of any recognised user whose access code has been cancelled is unlikely to recur, the chief executive may issue to that recognised user another access code.

Section 92C: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

92D Recognised user may submit fine status query

(1) A fine status query must—

(a) be sent in a manner approved by the chief executive; and

(b) identify the recognised user; and

(c) set out the identifying particulars of the query subject; and

(d) provide an assurance that—

(i) the query subject has consented to the submission of a fine status query that includes the identifying particulars of the query subject, and to the disclosure of any resulting fine status response to the recognised user and, if the recognised user is a credit reporter, also to any subscriber on whose behalf the fine status response is sought; and

(ii) if the fine status query is sent by a credit reporter, the credit reporter is acting on a request by a subscriber.

(2) A recognised user who sends a fine status query must keep, for the period specified by regulations made under section 92I, a record evidencing the assurance of the consent given by the query subject for the purpose of the fine status query.

Section 92D: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92D(2): amended, on 26 March 2015, by section 8 of the Summary Proceedings Amendment Act 2015 (2015 No 35).

92E Fine status response by chief executive

(1) When the chief executive receives a fine status query, the chief executive must, where practicable, perform, or have an electronic system perform, the following operations:

(a) check if the fine status query has been submitted by a recognised user:

(b) if the identity of the recognised user is confirmed, compare the identifying particulars of the query subject with identifying particulars recorded in the fines enforcement records:

(c) if the identifying particulars of the query subject in the fine status query are, according to prescribed criteria, shown to correspond with those of a defendant recorded in the fines enforcement records as having a default balance, the chief executive must send the recognised user a fine status response stating that, as at the date of the response, the query subject has a default balance and the amount of that balance:

(d) in any case to which paragraph (c) does not apply, the chief executive must send the recognised user a fine status response stating that the identifying particulars of the query subject do not correspond with the identifying particulars of any defendant shown in the fines enforcement records as having a default balance.

(2) If compliance with subsection (1) is for any reason impracticable, the chief executive must notify the recognised user that the fine status query cannot be processed and may ask the recognised user to submit another fine status query.

Section 92E: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

92F Disclosure and use of fine status response restricted

(1) A recognised user may not disclose the information contained in a fine status response unless the decision is made—

(a) for the purpose of making the information available, in accordance with the Privacy Act 2020, to the query subject to whom the information relates; or

(b) for the purposes of an audit conducted under section 92H or to a Registrar under section 100K; or

(c) in accordance with subsection (2), in any case where the recognised user is a credit reporter.

(2) A credit reporter may only disclose the information contained in a fine status response to the subscriber who requested the information, and only if the

disclosure is made not later than 24 hours after receipt, under section 92E, of that response.

(3) A person who contravenes this section or who discloses or uses information in contravention of any regulations made under section 92I must be treated, for the purposes of Parts 5 and 6 of the Privacy Act 2020, as having breached an information privacy principle under section 69(2)(a)(i) of that Act.

Section 92F: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92F(1)(a): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 92F(3): replaced, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92G Query subject to be notified of proposed combination of information

(1) This section applies where—

(a) the identifying particulars submitted in a fine status query about a query subject diverge in 1 or more respects (the **diverging particulars**) from the identifying particulars by which a particular defendant, with a default balance, is identified in the fines enforcement records; and

(b) the chief executive nevertheless has reason to believe that the identifying particulars are those of that defendant; and

(c) the chief executive proposes to combine the diverging particulars with the identifying particulars shown in the fines enforcement records about the defendant.

(2) Before the chief executive combines the diverging particulars with the identifying particulars shown in the fines enforcement records about the defendant, the chief executive must first comply with section 181 of the Privacy Act 2020 as if the diverging particulars were a discrepancy and the proposed combination were an adverse action taken against the query subject.

(3) If, following the chief executive's compliance with section 181 of the Privacy Act 2020, any information in the fine status response sent to a recognised user about a query subject is shown to be incorrect, the chief executive must notify the recognised user of the corrected information.

(4) If the recognised user is a credit reporter who has disclosed the information contained in the fine status response to a subscriber, the credit reporter must promptly advise the subscriber of the corrected information.

(5) For the purposes of section 100K, any corrected information received by a recognised user or subscriber under subsection (3) or (4) must be disregarded.

Section 92G: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92G(2): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Section 92G(3): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

92H Monitoring and audits by chief executive

(1) The chief executive must—

(a) monitor the compliance of recognised users with sections 92D and 92F, with regulations made under section 92I, and with conditions or restrictions imposed on recognised users by the chief executive:

(b) in accordance with regulations made under section 92I, audit the records of recognised users for that compliance.

(2) In performing the chief executive's functions under subsection (1), the chief executive must periodically report to the Privacy Commissioner on the performance of the chief executive's functions under that subsection.

(3) The chief executive must—

(a) monitor his or her compliance with sections 92C to 92G and this section and with any regulations made under section 92I; and

(b) report to the Privacy Commissioner, at agreed intervals, on that compliance.

Section 92H: inserted, on 13 February 2012, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92H(1)(a): amended, on 14 November 2018, by section 71 of the Courts Matters Act 2018 (2018 No 50).

92I Regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister for Courts, make regulations for all or any of the following purposes:

(a) prescribing the criteria to be applied by the Minister for Courts in authorising agencies as recognised users:

(b) specifying classes of persons for the purposes of the definition of recognised user in section 92A:

(c) prescribing the procedure, requirements, or other matters in relation to the cancellation of access codes, including the circumstances when access codes may be suspended immediately pending their proposed cancellation and when prior notice about the proposed cancellation and the opportunity for submissions in that respect are required to be given to the recognised user concerned:

(d) providing for the manner in which fine status responses are disclosed to recognised users:

(e) providing for the manner in which identifying particulars received from recognised users are processed:

(f) requiring recognised users to take all reasonable steps to ensure that a query subject's driver licence number (if any) or driver licence card number (if any), or both, are obtained from the query subject by or on behalf of the recognised user each time a fine status query is submitted:

(g) prescribing criteria for assessing whether the identifying particulars of a query subject in a fine status query correspond with those of a person shown in the fines enforcement records as having a default balance:

(h) prescribing criteria by which divergences in particulars are to be regarded, or are not to be regarded, as diverging particulars for the purposes of section 92G:

(i) prescribing restrictions on the disclosure and use, by recognised users and subscribers, of the information contained in fine status responses, including, without limitation, restrictions on combining that information with other information:

(j) prescribing the manner in which the information contained in a fine status response may be disclosed by a recognised user who is a credit reporter to the subscriber who requested the information:

(k) prescribing the period for which fine status responses may be retained or used by recognised users and subscribers, and requiring the destruction of those responses on the expiry of specified periods:

(l) providing for the manner and timing of audits conducted under section 92H, and for the delivery of audit reports to the Privacy Commissioner and any other persons specified in the regulations:

(m) prescribing, for audit purposes, the kinds of records that recognised users must keep in respect of fine status queries and fine status responses, and the manner in which, and the duration for which, those records must be kept:

(n) providing for an agency's status as a recognised user to be terminated by the Minister for Courts in specified circumstances, even though that agency comes within the definition of that term in section 92A:

(o) prescribing the fees that are payable in respect of access codes allocated by the chief executive, fine status queries, or fine status responses.

(2) Before the Minister for Courts recommends the making of regulations under subsection (1), the Minister must—

(a) consult the Privacy Commissioner; and

(b) be satisfied that the proposed regulations are consistent with the purpose stated in section 92B(1) and the legislative framework described in section 92B(2).

(3) Subsection (1)(f) does not apply unless the definition of credit information in the credit reporting code of practice includes driver licence numbers and driver licence card numbers.

(4) This section does not limit section 212.

(5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 92I: inserted, on 23 July 2011, by section 31 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 92I(1)(n): amended, on 26 March 2015, by section 9(a) of the Summary Proceedings Amendment Act 2015 (2015 No 35).

Section 92I(1)(n): amended, on 26 March 2015, by section 9(b) of the Summary Proceedings Amendment Act 2015 (2015 No 35).

Section 92I(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Written cautions in case of certain traffic fines

Heading: inserted, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

93 Written caution to person holding interest in motor vehicle

(1) If a defendant defaults in paying any traffic fine for a traffic offence committed while using a motor vehicle in which the defendant does not appear to have an interest, the Registrar may order that a written caution be issued and served on any person who appears to own or to have an interest in the motor vehicle.

(2) Despite subsection (1), a written caution is not to be served—

(a) on anyone if the Registrar is satisfied that the motor vehicle—

(i) was stolen or converted at the material time; or

(ii) was let on hire at the material time in accordance with a rental service licence under the Land Transport Act 1998; or

(b) on a person who the Registrar is satisfied is a secured party under a security agreement relating to the motor vehicle, or the lessor of the motor vehicle under a lease, but who has no relationship of another kind with the defendant.

(3) The written caution must state that any motor vehicle in which the person has an interest is liable to be seized if the defendant defaults in paying a traffic fine for any further traffic offence committed—

(a) while using a motor vehicle in which the person has an interest as owner or otherwise; and

(b) within 4 years after the date on which the written caution is served on the person.

(4) A written caution must provide the following information:

(a) the name and identifying details of the defendant:

(b) the relevant traffic fine that the defendant has defaulted in paying:

(c) the identifying details of the motor vehicle in which the relevant traffic offence or traffic offences were committed:

(d) that the recipient is believed to have owned or to have had an interest in the motor vehicle at the material time and that none of the reasons stated in subsection (2) has been established to the satisfaction of the Registrar:

(e) the recipient's right to seek a review of the Registrar's decision to order the service of the written caution on the recipient.

Section 93: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

93A Seizure and disposal of motor vehicles: application of sections 100A to 100Y instead of sections 94 to 100

[Repealed]

Section 93A: repealed, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

94 Review of written caution

(1) A person served with a written caution under section 93 may, within 20 working days after the date of service, apply to the court for a review by a District Court Judge of the decision to serve the person, on 1 or more of the following grounds:

(a) the motor vehicle was stolen or converted at the material time:

(b) the person did not own or have an interest in the motor vehicle at the material time:

(c) the person is a secured party under a security agreement relating to the motor vehicle, or the lessor of the motor vehicle under a lease, but who has no relationship of another kind with the defendant:

(d) the motor vehicle was let on hire at the material time in accordance with a rental service licence under the Land Transport Act 1998.

(2) Every application must include a statutory declaration that specifies a ground stated in subsection (1) and why that ground applies.

(3) The Judge must conduct the review on the papers unless the Judge considers that a hearing is necessary.

(4) If the Judge is satisfied that a ground stated in subsection (1) applies, the following provisions apply:

(a) the Judge must cancel the written caution served on the applicant:

(b) if the ground for cancelling the applicant's written caution is that stated in subsection (1)(a) or (d), the Judge must also cancel the written caution served on any other person under the same order that required service of the written caution on the applicant:

(c) the Registrar must notify every person (including the applicant) whose written caution is cancelled of that outcome:

(d) if a written caution served on a person is cancelled, the written caution is deemed not to have been served on the person.

Section 94: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

94A Personal property securities register to be checked

[Repealed]

Section 94A: repealed, on 1 December 2009, by section 7 of the Summary Proceedings (Vehicle Seizure) Amendment Act 2009 (2009 No 38).

94B Immobilisation of motor vehicles

[Repealed]

Section 94B: repealed, on 1 December 2009, by section 7 of the Summary Proceedings (Vehicle Seizure) Amendment Act 2009 (2009 No 38).

95 Written caution of no effect if fine quashed or set aside

(1) If the fine in respect of which a written caution has been served on a person is quashed or set aside, the written caution ceases to have effect and is deemed not to have been served.

(2) If a written caution ceases to have effect under subsection (1), the Registrar must notify every person served with the written caution of that outcome.

Section 95: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

96 Challenge of seizure by persons treated as substitutes

(1) If a motor vehicle is seized on the basis that the person who owns or appears to own it or has or appears to have an interest in it, is a substitute for the defendant, that person may, within 7 days after the date of the seizure, apply to a District Court Judge to challenge the seizure on 1 or more of the following grounds:

(a) the motor vehicle was stolen or converted at the material time:

(b) the person did not own or have an interest in the motor vehicle at the material time:

(c) the person is a secured party under a security agreement relating to the motor vehicle or the lessor of the motor vehicle under a lease, but has no relationship of another kind with the defendant:

(d) the motor vehicle was let on hire at the material time in accordance with a rental service licence under the Land Transport Act 1998:

(e) the person took all reasonable steps to prevent the defendant from committing the traffic offence or traffic offences:

(f) the person had not, before the commission of the relevant traffic offence, been served with a written caution under section 93 in relation to the defendant.

(2) Every application must include a statutory declaration that specifies a ground stated in subsection (1) and why that ground applies.

(3) The Judge must consider the application on the papers unless the Judge considers that a hearing is necessary.

(4) The Judge may order the return of the motor vehicle if satisfied that—

(a) a ground stated in subsection (1)(a) or (d) applies; or

(b) another ground stated in subsection (1) applies to the applicant and to every other person who is treated as a substitute for the defendant; or

(c) it would, in the circumstances, be unreasonable for the vehicle to be sold or disposed of.

Section 96: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Seizure, release, and sale of property

Heading: inserted, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

97 Purposes of sections 98 to 100T

The purposes of sections 98 to 100T are—

(a) to enable a fine or any fines in default to be collected more effectively through the seizure and, where appropriate, sale of real and personal property; and

(b) in cases where the fine or fines in default relate to traffic offending, to reduce opportunities for offending of that kind.

Section 97: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 97(a): amended, on 29 October 2019, by section 72 of the Courts Matters Act 2018 (2018 No 50).

98 Warrant to seize property

(1) If any warrant to seize property is issued under section 83(2)(a), 87(2)(a), or 88AE(1)(a), the warrant applies so as to authorise the seizure of—

(a) any property that is apparently the property of the defendant:

(b) any motor vehicle that is apparently the property of the substitute if the warrant is issued for a traffic fine and there is a substitute for the defendant.

(2) Every warrant to seize property of the kind described in subsection (1)(a) or (b), or both, must—

(a) be in a form approved under section 209A; and

(b) contain full details of the fine and the amount remaining unpaid in respect of the fine.

(3) A warrant to seize property referred to in subsection (1) may be in the form of a computer printout of information entered by a Registrar into a computer system accessible to the Police or a bailiff.

(4) In addition to subsection (3), the following provisions apply to the warrant to seize property:

(a) information about a defendant that the Registrar entered may be printed out by a constable or bailiff, and for all purposes constitutes a warrant to seize property:

(b) the warrant is valid for a period of 28 days beginning on the date of its printing, and the warrant then lapses:

(c) at any time and from time to time after a warrant lapses under paragraph (b),—

(i) the Registrar may re-enter the particulars into the same computer system or enter the particulars into any other computer system available to the Police or a bailiff:

(ii) a constable or bailiff may obtain a further printout of the original information entered by the Registrar or obtain a printout of the re-entered information or of the information entered into the other computer system, and each one of the printouts constitutes a fresh warrant to seize property.

(5) A constable or bailiff may execute a warrant to seize property referred to in subsection (1) or a computer printout that, under this section, constitutes a warrant to seize property.

(6) Subsection (3) does not limit any other provision of this Act.

Section 98: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

99 Seizure of property

(1) For the purpose of executing any warrant to seize property, the bailiff or constable executing it may enter any premises, by force if necessary, if that bailiff or constable has reasonable cause to believe that property in respect of which the warrant is issued is on the premises.

(2) If any person is in actual occupation of the premises, the bailiff or constable must, on entering, produce the warrant to that person and demand payment.

(3) Where the fine is paid on the production of a warrant to seize property, the payment must be recorded on the warrant and the warrant is then of no further effect.

(4) Without limiting anything in section 100C, any bailiff or constable seizing a motor vehicle under a warrant to seize property may, instead of or while seizing the vehicle, immobilise the vehicle by attaching to the vehicle any device designed for that purpose.

(5) When property is seized under a warrant to seize property, the bailiff or constable must promptly give the defendant or the substitute a notice in a form approved by the chief executive—

(a) identifying the property seized; and

(b) directing the defendant or the substitute for the defendant to notify the Registrar, within 7 days after the date of the seizure, whether the defendant or the substitute owns or has an interest in the property and to give the Registrar the name and address of any other person who owns or has an interest (including a lease or security interest) in the property.

(6) The notice required to be given by subsection (5) must be delivered to the defendant or the substitute, or left for the defendant or the substitute in a conspicuous place at the premises from which the property is seized, or sent to the defendant or the substitute by ordinary post, fax, email, or other electronic means.

Section 99: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100 Seizure of motor vehicles impounded under Land Transport Act 1998

(1) Any motor vehicle in which the defendant or a substitute for the defendant appears to have an ownership interest or other interest may be seized under a warrant to seize property even if it is impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, as long as it has been impounded under that Act for at least 14 days.

(2) The power to seize a motor vehicle described in subsection (1) is not limited by any appeal pending under section 102 or 110 of the Land Transport Act 1998.

Section 100: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100(1): amended, on 1 March 2024, by section 45 of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Seizure, release, and sale of motor vehicles

[Repealed]

Heading: repealed, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100A Seizure of motor vehicle not precluded by low value or low interest

Consistent with the purposes stated in section 97, a motor vehicle may be seized in accordance with this Part even though it would be uneconomic to sell the vehicle or the proceeds from a sale of the vehicle would be insufficient to pay the fine in default or any part of that fine, whether because of the low value of the vehicle or the low value of the interest that the defendant or the substitute has in the motor vehicle, or for any other reason.

Section 100A: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100B Seized property to be retained by or for Registrar

(1) The bailiff or constable executing a warrant to seize property must ensure that property seized under the warrant is—

(a) taken to the Registrar; or

(b) if the Registrar so directs, taken to, or retained by, any person or at any place specified for the purpose by the Registrar.

(2) If any motor vehicle that is seized under a warrant to seize property fails to comply in any respect with section 242 of the Land Transport Act 1998, then—

(a) the vehicle may, despite that Act or any other enactment, be towed to any place specified by the Registrar; and

(b) no person who seizes, retains, or disposes of the vehicle in accordance with this Act is under any criminal or civil liability merely because of the failure of the vehicle to comply with that section.

(3) The Registrar must ensure the seized property is retained until the fine is paid or the property is sold, or assigned or applied, or otherwise disposed of or released in accordance with a determination of the Registrar or a District Court Judge.

Section 100B: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100C Immobilisation of motor vehicles

(1) Any bailiff or constable executing a warrant to seize property may, while seizing or instead of seizing any motor vehicle, immobilise the vehicle by attaching to the vehicle any device designed for the purpose, pending the payment of the fine in default.

(2) No motor vehicle may be immobilised under subsection (1) unless, at the time of its immobilisation, it is—

(a) on private property; or

(b) in a public place and the bailiff or constable is satisfied that immobilising the vehicle will not cause undue inconvenience to other persons.

(3) Where any motor vehicle is immobilised under subsection (1), any bailiff or constable—

(a) may at any time seize the vehicle:

(b) must, on the direction of a Registrar, seize the vehicle.

(4) When a motor vehicle is seized under subsection (3), section 100B applies accordingly.

(5) If, 14 days after the date of the immobilisation of any motor vehicle under subsection (1), the fine remains unpaid or is not resolved, the Registrar must direct a bailiff or constable to seize the vehicle.

(6) Every person commits an offence and is liable on conviction to a fine not exceeding $1,000 who, without reasonable excuse,—

(a) tampers with, removes, or attempts to remove a device attached to a motor vehicle under subsection (1); or

(b) removes, or attempts to remove,—

(i) a motor vehicle to which a device is, or has been, attached under subsection (1); or

(ii) any part of that vehicle; or

(iii) any other property from that vehicle.

Section 100C: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100C(6): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

100D Personal property securities register to be checked

(1) If property is seized under a warrant to seize property, the Registrar must, on the next working day after the property is seized, check whether a financing statement that relates to the property has been registered on the personal property securities register kept under the Personal Property Securities Act 1999.

(2) If a financing statement has been registered, the Registrar must promptly notify the person named as the secured party (including any lessor) in the financing statement of the following:

(a) that the Registrar may, under section 100P, sell the property after the expiration of 7 days from the date of seizure if the fine remains unpaid and no claim has been made in respect of the property by a person other than—

(i) the defendant; or

(ii) where the property is a motor vehicle seized in respect of a traffic fine, a substitute for the defendant or a nominee for the defendant or the substitute:

(b) the rights that may be available to the person under sections 100H, 100J, and 100Q.

Section 100D: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100E Release of property if fine and other costs paid or if certain appeals successful

(1) Any property (whether real property or personal property) that has been seized and is retained by the Registrar may be returned to the person from whom it was seized or to the person apparently lawfully entitled to it if the following are paid:

(a) the fine:

(b) if the property is a motor vehicle that has been impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, any impoundment costs:

(c) all costs incurred in seizing, transporting, and storing the property.

(2) Subsection (1) applies even though claims under any of sections 100F, 100H, and 100J are pending in respect of the property.

(3) If the property is a motor vehicle that has been seized from a substitute for the defendant, the only type of fines required to be paid under subsection (1)(a) are ones imposed in respect of traffic offences committed by the defendant in a motor vehicle that, at the time of the commission of the offence, was owned by the substitute or in which the substitute had an interest.

(4) If the property is a motor vehicle that has been seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, the motor vehicle may not be released under subsection (1) before the day after the close of the impoundment period.

(5) Subsection (4) is subject to section 100L(1)(a) and (3).

(6) If an appeal under section 102 or 110 of the Land Transport Act 1998 against the impoundment of the motor vehicle is allowed before the expiry of the impoundment period,—

(a) the Registrar must release the motor vehicle to the person who is registered in respect of that vehicle; and

(b) that person is not liable for any fees and costs payable under an enactment in respect of the motor vehicle.

(7) Subsection (6)—

(a) applies despite subsection (1) and sections 100F to 100J, 100L, and 100P; but

(b) does not apply if the motor vehicle has already been released to a lessor or secured party under section 100H or 100L(1)(a) or been sold by the court under section 100P.

Section 100E: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100E(1): amended, on 29 October 2019, by section 73 of the Courts Matters Act 2018 (2018 No 50).

Section 100E(1)(b): amended, on 1 March 2024, by section 46(1) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100E(4): amended, on 1 March 2024, by section 46(2)(a) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100E(4): amended, on 1 March 2024, by section 46(2)(b) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100E(6): amended, on 1 March 2024, by section 46(3) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

100F Release of property to certain owners

(1) If satisfied that the defendant does not own the seized property (whether real property or personal property), the Registrar or a District Court Judge must release the property to a person who satisfies the Registrar or the Judge that—

(a) the person is the owner of the property; and

(b) in the case of a motor vehicle seized in respect of a traffic fine, the person is not a substitute for the defendant or a nominee for the defendant or the substitute.

(2) If a person other than the defendant claims to own the property and the Registrar is not satisfied of the matters specified in subsection (1), the Registrar must issue a summons in a form approved under section 209A calling before the court the claimant and the defendant or, if applicable in the case of a motor vehicle seized in respect of a traffic fine, the substitute for the defendant.

(3) The issue of a summons under subsection (2) stays any action brought in respect of the claim.

(4) Where a summons has been, or is to be, issued under subsection (2), the Registrar may release the property to the defendant or, if applicable in the case of a motor vehicle, to the substitute for the defendant if a deposit is paid or security is provided for whichever is the lesser of—

(a) the value of the seized property; or

(b) the fine in default, including the costs incurred in seizing, transporting, and storing the property, and any impoundment costs.

(5) In any case where a motor vehicle has been seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, the motor vehicle—

(a) may not be released under this section unless—

(i) the impoundment period has expired; and

(ii) any impoundment costs have been paid into court within 7 days after the close of that period or within any longer period specified by the Registrar in writing; and

(b) may be sold under section 100P if those costs are not paid in accordance with paragraph (a)(ii).

Section 100F: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100F(1): amended, on 29 October 2019, by section 74 of the Courts Matters Act 2018 (2018 No 50).

Section 100F(5): amended, on 1 March 2024, by section 47(1) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100F(5)(a)(i): amended, on 1 March 2024, by section 47(2) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

100G Determination of claim by owners

(1) In determining a claim under section 100F(2), a District Court Judge may, if the property has not yet been sold, assigned, applied, or otherwise disposed of, release the property to the claimant if satisfied that—

(a) the defendant does not own the property; and

(b) in the case of a motor vehicle seized in respect of a traffic fine, the claimant is not a substitute for the defendant or a nominee for the defendant or the substitute.

(2) The Judge may, if the property is a motor vehicle that has not yet been sold or otherwise disposed of, release the motor vehicle to a person whose motor vehicle was seized because the person was taken to be a substitute for the defendant if satisfied that 1 or more of the following grounds apply:

(a) the motor vehicle was stolen or converted at the material time:

(b) the person did not own or have an interest in the motor vehicle at the material time:

(c) the person is a secured party under a security agreement relating to the motor vehicle, or is the lessor of the motor vehicle under a lease, but who has no relationship of another kind with the defendant:

(d) the motor vehicle was let on hire at the material time in accordance with a rental service licence under the Land Transport Act 1998.

(3) In the case of a motor vehicle seized in respect of a traffic fine, the Judge may ask any claimant to satisfy the Judge that any agreement, transfer, or change in registration or ownership is genuine if the Judge has reason to question whether the claimant is a nominee for the defendant or any substitute for the defendant.

(4) A person who claims to have acquired property from the defendant after the commission of any offence or after the taking of any enforcement action

against the defendant must satisfy the Judge that the transaction on which the acquisition was based was genuine.

(5) In any case where the motor vehicle has been seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, the motor vehicle—

(a) may not be released under this section unless—

(i) the impoundment period has expired; and

(ii) any impoundment costs have been paid into court within 7 days after the close of that period or within any longer period specified by the Registrar in writing; and

(b) may be sold under section 100P if those costs are not paid in accordance with paragraph (a)(ii).

(6) If the claimant succeeds in the claim to the property,—

(a) any deposit paid or security provided must be returned to the person who provided it; and

(b) a District Court Judge may order the defendant to reimburse any person for any costs that have been paid into court under section 100Q.

(7) If the claimant does not succeed in the claim to the property, any deposit paid or security provided may be applied as if it were the proceeds of the sale of the property.

Section 100G: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100G(5): amended, on 1 March 2024, by section 48(1) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100G(5)(a)(i): amended, on 1 March 2024, by section 48(2) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

100H Lessor may apply to Registrar

(1) This section applies if—

(a) the property seized (whether real property or personal property) is subject to a lease; and

(b) the lessor is not the defendant; and

(c) in the case of a motor vehicle seized in respect of a traffic fine, the lessor is not a substitute for the defendant or a nominee for the defendant or the substitute.

(2) The lessor may apply to the court, at any time before the Registrar has sold the property, for the release of the property to the lessor as if the defendant or the substitute for the defendant or the nominee for the defendant or the substitute had breached the terms of the lease.

(3) On an application under subsection (2), the Registrar or a District Court Judge may release the property to the lessor.

(4) Property that is a motor vehicle may also be released under subsection (3) if it has been seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998 even though the impoundment period has not yet expired.

(5) On the release of a motor vehicle under subsection (3) to the lessor, the lease is cancelled.

(6) This section is subject to section 100M.

Compare: 2002 No 9 s 140

Section 100H: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100H(1)(a): amended, on 29 October 2019, by section 75(1) of the Courts Matters Act 2018 (2018 No 50).

Section 100H(1)(c): replaced, on 14 November 2018, by section 75(2) of the Courts Matters Act 2018 (2018 No 50).

Section 100H(4): amended, on 1 March 2024, by section 49(a) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100H(4): amended, on 1 March 2024, by section 49(b) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100H(5): amended, on 14 November 2018, by section 75(3) of the Courts Matters Act 2018 (2018 No 50).

100I What happens if lessor does not apply to Registrar before property sold or disposed of

(1) This section applies if—

(a) section 100H applies; but

(b) the lessor does not apply to the court for the release of the property (whether real property or personal property) under section 100H(2) before it is sold or disposed of; and

(c) the proceeds of the sale have not been fully applied.

(2) The lessor may apply to the court for the release of the proceeds of the sale of the property that have not been applied.

(3) On an application under subsection (2), the Registrar or a District Court Judge may release the proceeds of the sale of the property in accordance with subsections (4) and (5).

(4) The proceeds of the sale of the property must be applied in accordance with section 100R or 100RA, as the case requires, as if the definitions of security agreement and security interest in section 79 included a lease and the lessor were a secured party as defined in that subsection.

(5) However, despite subsection (4), if section 100R applies, it applies subject to the following modifications:

(a) the proceeds of the sale of the property must be applied in payment to the lessor of the amount to which the lessor would, but for the sale, have been entitled under the lease; and

(b) the proceeds of the sale of the property must be applied in the manner and order of priority set out in section 100R, except that,—

(i) in the case of a lease for a term of 1 year or less, those proceeds must be applied for the payment to the lessor described in paragraph (a) after they are applied for the payments described in section 100R(1)(a) and (b), but before they are applied for the remainder of the payments described in section 100R(1)(c) to (j); and

(ii) in the case of a lease for a term of more than 1 year, those proceeds must be applied for the payment to the lessor described in paragraph (a) as if they were payments described in section 100R(1)(c), and section 100R(2) applied.

(5A) Despite subsection (4), if section 100RA applies, it applies subject to the following modifications:

(a) the proceeds of the sale of the property must be applied in payment to the lessor of the amount to which the lessor would, but for the sale, have been entitled under the lease; and

(b) the proceeds of the sale of the property must be applied in the manner and order of priority set out in section 100RA, except that,—

(i) in the case of a lease for a term of 1 year or less, those proceeds must be applied for the payment to the lessor described in paragraph (a) after they are applied for the payments described in section 100RA(1)(a), but before they are applied for the remainder of the payments described in section 100RA(1)(b) to (g); and

(ii) in the case of a lease for a term of more than 1 year, those proceeds must be applied for the payment to the lessor described in paragraph (a) as if they were payments described in section 100RA(1)(b), and section 100RA(2) applied.

(6) On the release of the proceeds of the sale of the property to the lessor, the lease is cancelled.

Section 100I: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100I(1)(b): amended, on 29 October 2019, by section 76(1) of the Courts Matters Act 2018 (2018 No 50).

Section 100I(4): amended, on 29 October 2019, by section 76(2) of the Courts Matters Act 2018 (2018 No 50).

Section 100I(5): amended, on 29 October 2019, by section 76(3) of the Courts Matters Act 2018 (2018 No 50).

Section 100I(5)(b)(i): amended, on 26 March 2015, by section 10 of the Summary Proceedings Amendment Act 2015 (2015 No 35).

Section 100I(5A): inserted, on 29 October 2019, by section 76(4) of the Courts Matters Act 2018 (2018 No 50).

100J Claims by secured parties

(1) The Registrar, a Community Magistrate, or a District Court Judge must, on application or on his or her own initiative, recognise a security agreement in respect of property to be sold (whether real property or personal property) if satisfied that a person has rights over that property as a secured party.

(2) The rights of a secured party may not be recognised under subsection (1) if the secured party is—

(a) the defendant; or

(b) in the case of a motor vehicle seized in respect of a traffic fine, a substitute for the defendant or a nominee for the defendant or the substitute.

(3) When a security agreement has been recognised under subsection (1), the Registrar must take the action prescribed in section 100K if it appears to the Registrar that—

(a) the secured party is a person who enters into security agreements in the course of the person's business; and

(b) the defendant is the debtor under the security agreement; and

(c) the defendant has not become bankrupt or been put into liquidation since the date on which the defendant signed or assented to the security agreement (in this section and in section 100K referred to as the **agreement date**).

(4) The Registrar must—

(a) establish the agreement date—

(i) from the security agreement or any other documentary evidence; or

(ii) if the agreement date cannot be so established, by determining the agreement date on the basis of any information that the Registrar considers relevant:

(b) ascertain, in accordance with section 100K, whether the defendant had a default balance recorded against the defendant's name.

Section 100J: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100J(1): amended, on 29 October 2019, by section 77(1) of the Courts Matters Act 2018 (2018 No 50).

Section 100J(1): amended, on 29 October 2019, by section 77(2) of the Courts Matters Act 2018 (2018 No 50).

100K Certification of default balance

(1) In order to assist the Registrar to ascertain whether the defendant had a default balance recorded against the defendant's name, the secured party may present to the Registrar evidence of a fine status response about the defendant.

(2) On being satisfied of the authenticity of the evidence presented under subsection (1), the Registrar must accept the fine status response if—

(a) the date to which the fine status response relates is not earlier than—

(i) 20 working days before the agreement date; or

(ii) 20 working days before the date on which the provision of credit secured under the security agreement was approved, where the Registrar is presented with satisfactory evidence of the date of that approval; or

(b) where the fine status response does not come within paragraph (a), the Registrar is satisfied that, in providing the credit secured under the security agreement, the secured party relied on that fine status response, and that there are exceptional circumstances that justify that reliance.

(3) If—

(a) a fine status response accepted under subsection (2) does disclose a default balance consisting of 1 or more fines; and

(b) the defendant still owes those fines in whole or part—

the Registrar must certify that the secured party's security interest is subject to that default balance, less any amounts by which those fines have since been paid or reduced.

(4) If—

(a) there is no evidence, or no satisfactory evidence, of a fine status response or if a fine status response has not been accepted under subsection (2); and

(b) as at the agreement date, the defendant had a default balance consisting of 1 or more fines; and

(c) the defendant still owes those fines in whole or part—

the Registrar must certify that the secured party's security interest is subject to that default balance, less any amounts by which those fines have since been paid or reduced.

(5) If section 92D was not in force as at the agreement date, the Registrar must certify that the secured party's security interest is not subject to a default balance.

(6) In this section, **fine status response** has the same meaning as in section 92A.

Section 100K: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100L Sale of secured property by secured party or by court

(1) When the applicability of a default balance has been ascertained under section 100K, a District Court Judge or the Registrar may, if the property (whether real property or personal property) has not yet been sold,—

(a) release the property to a secured party, at the request of the secured party, and direct the secured party to sell the property and account for the proceeds of sale in accordance with section 100N; or

(b) order the sale of the property under section 100P.

(2) If the Judge or Registrar takes action under subsection (1)(a) and 2 or more secured parties have requested the taking of that action, then the Judge or Registrar must release the property to the secured party with the highest-ranking security interest under the order of priority determined by Part 7 or 8 of the Personal Property Securities Act 1999.

(3) If the property is a motor vehicle that has been seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, the motor vehicle may also be released under subsection (1)(a) even though the impoundment period has not yet expired.

(4) A purchaser of property that is sold to the purchaser under a direction given under subsection (1)(a) obtains, by virtue of this section, good title to the property free of all ownership interests and other proprietary interests held in the property before that sale.

(5) Subsection (1)(a) is subject to section 100M.

Section 100L: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100L(1): amended, on 29 October 2019, by section 78 of the Courts Matters Act 2018 (2018 No 50).

Section 100L(3): amended, on 1 March 2024, by section 50(a) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100L(3): amended, on 1 March 2024, by section 50(b) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

100M Certain payments required before release to lessor or secured party takes effect

(1) An order for the release of property under section 100H(3) or 100L(1)(a) does not take effect unless the following costs have been paid into court:

(a) if the property is a motor vehicle that has been impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, any impoundment costs:

(b) any costs incurred in seizing, transporting, and storing the property and in complying with the provisions of this Part:

(c) in the case of a secured party claiming under a security agreement, any applicable default balance certified under section 100K in respect of that agreement.

(2) Any payments required to be paid by subsection (1) must be paid within 7 days after the day on which the lessor or secured party is notified of the decision to release the property, or within any longer period specified by the Registrar in writing.

(3) If the payments specified in subsection (1) are not paid in accordance with subsection (2), the property may be sold under section 100P.

Section 100M: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100M(1)(a): amended, on 1 March 2024, by section 51 of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

100N Application of proceeds of sale by secured party

(1) A person to whom property is released under section 100L(1)(a) must, on selling the property,—

(a) account to the Registrar for the proceeds of the sale:

(b) pay into court the proceeds of sale, less—

(i) any amount paid under section 100M; and

(ii) the amount owing under the security agreement relating to the secured property; and

(iii) the amount of costs and expenses of, and incidental to, the sale.

(2) The Registrar must then apply the balance remaining in accordance with section 100R(1)(c) to (j) and (2) or section 100RA(1)(b) to (g), with all necessary modifications.

Section 100N: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100N(1)(b): replaced, on 14 November 2018, by section 79(1) of the Courts Matters Act 2018 (2018 No 50).

Section 100N(2): amended, on 14 November 2018, by section 79(2) of the Courts Matters Act 2018 (2018 No 50).

100O Failure by secured party to sell or account for proceeds

(1) If the secured party fails to comply with a direction under section 100L(1)(a) and has not sold the property,—

(a) the Registrar must issue, in a form approved by the chief executive, a warrant to recover property; and

(b) the property may be recovered under that warrant as the property of the defendant or (if the property is a motor vehicle seized from a substitute of the defendant) the substitute for the defendant; and

(c) section 98 applies in respect of the property with all necessary modifications.

(2) As soon as practicable after the property is delivered into a Registrar's custody under subsection (1), the Registrar must arrange for the sale of the property as if it were a sale under section 100P and apply the proceeds of sale in accordance with section 100R(1) or 100RA(1) or, as the case requires, in accordance with a direction under section 100R(5) or 100RA(3).

(3) A secured party who fails, in whole or in part, to pay into court the money required under section 100N(1)(b) is liable to the Crown for any amount not paid, and that amount may be recovered from the secured party as a debt due to the Crown.

Section 100O: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100O(2): amended, on 29 October 2019, by section 80(1) of the Courts Matters Act 2018 (2018 No 50).

Section 100O(2): amended, on 29 October 2019, by section 80(2) of the Courts Matters Act 2018 (2018 No 50).

100P Sale or disposal of property

(1) If any fine in respect of which property has been seized under a warrant to seize property or may be sold under a sale order remains unpaid, a District Court Judge or the Registrar may, after the expiry of the relevant period specified in subsection (2), order—

(a) that the property be sold at public auction or in any other manner that the Judge or Registrar directs; or

(b) in the case of a negotiable instrument, that the Registrar obtain payment under, assign, or otherwise dispose of the negotiable instrument; or

(c) in the case of money, that the Registrar apply the money in accordance with section 100R.

(2) The relevant period referred to in subsection (1) is 7 days after the day on which the property was seized or a sale order was issued or, if the property is a motor vehicle that was seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, the later of—

(a) the day after the close of the impoundment period; or

(b) the expiry of 8 days after the day on which the motor vehicle was seized.

(3) A motor vehicle may be sold under this section even though it fails to comply in any respect with section 242 of the Land Transport Act 1998, and the purchaser of that motor vehicle—

(a) is, despite that Act or any other enactment, entitled to tow the motor vehicle to any appropriate place; and

(b) in so towing the vehicle, is under no criminal or civil liability merely because of the failure of the vehicle to comply with that section; and

(c) must comply in all respects with that Act as soon as the motor vehicle has been towed to that place.

(4) Despite subsections (1) to (3), the Registrar may dispose of a motor vehicle in any manner that he or she thinks fit if the Registrar has reasonable grounds to believe that the motor vehicle is a low-value motor vehicle referred to in section 100A.

(5) If the Registrar considers that a motor vehicle is not roadworthy and that it would be uneconomic to render it roadworthy, the Registrar must, before the motor vehicle is sold or disposed of under this section, apply, under the Land Transport Act 1998, to have the registration of the motor vehicle cancelled as if the Registrar were the person who, under that Act, is entitled to apply for that cancellation.

(6) The sale of a motor vehicle that has been seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998 is not affected by any appeal that is pending after the impoundment period, or by any appeal that is determined after that period.

(7) In any case where a motor vehicle has been seized while impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, the vehicle may be sold under this section (even if the fine and all costs incurred in seizing, towing, and storing the vehicle have been paid) if any impoundment costs are not paid within—

(a) 7 days after the close of the impoundment period; or

(b) any longer period specified by the Registrar in writing.

(7A) If real property is sold under this section, a District Court Judge or Community Magistrate must issue an order vesting the property in the person who bought it.

(8) The sale of property by the Registrar is deferred by a pending claim in respect of the property only if the costs of storage have been paid under section 100Q or a deposit has been paid, or security has been provided, under section 100F.

(9) However, the property may be sold and the proceeds of the sale must be held until the pending claim is determined if—

(a) the costs of storage have not been paid under section 100Q; or

(b) a deposit has not been paid, or security has not been provided, under section 100F.

(10) The purchaser or assignee of property sold, or disposed of, under this section obtains as a consequence of this section,—

(a) in the case of personal property, good title to the property free of all ownership and other proprietary interests held in the property before that sale or disposition:

(b) in the case of real property, on registration, the estate or interests of the previous registered owner, freed of any registered mortgage, or charge.

Section 100P: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100P heading: amended, on 29 October 2019, by section 81(1) of the Courts Matters Act 2018 (2018 No 50).

Section 100P(1): amended, on 29 October 2019, by section 81(2) of the Courts Matters Act 2018 (2018 No 50).

Section 100P(2): amended, on 1 March 2024, by section 52(1) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100P(2): amended, on 29 October 2019, by section 81(3) of the Courts Matters Act 2018 (2018 No 50).

Section 100P(2)(a): amended, on 1 March 2024, by section 52(2) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100P(6): amended, on 1 March 2024, by section 52(3)(a) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100P(6): amended, on 1 March 2024, by section 52(3)(b) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100P(7): amended, on 1 March 2024, by section 52(4) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100P(7)(a): amended, on 1 March 2024, by section 52(5) of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

Section 100P(7A): inserted, on 29 October 2019, by section 81(4) of the Courts Matters Act 2018 (2018 No 50).

Section 100P(10): replaced, on 29 October 2019, by section 81(5) of the Courts Matters Act 2018 (2018 No 50).

100Q Registrar must defer sale if storage costs paid

(1) Any person may pay into court the costs incurred by the court in storing any property and as long as those costs, and any recurring storage costs, are paid, the Registrar must defer the sale of the property.

(2) A payment made under subsection (1) may not be less than the amount of the costs incurred in a period of 8 days.

Section 100Q: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100R Application of proceeds of sale of personal property

(1) When personal property is sold under section 100P, the proceeds of the sale must be applied in the following manner and order of priority:

(a) if the property is a motor vehicle that has been impounded under section 96, 96AAA, 96AAB, or 96A of the Land Transport Act 1998, in payment of any impoundment costs:

(b) in payment of the costs of the sale (including all costs incurred in seizing, transporting, and storing the property and in complying with the provisions of this Part preliminary to sale):

(c) if 1 or more security agreements have been recognised under section 100J before the proceeds of the sale are fully applied, in payment to each secured party of the amount to which the secured party would, but for the extinguishment of the security interest concerned, have been entitled under that agreement less any applicable default balance certified, under section 100K, in respect of that agreement:

(d) in payment of any amount of reparation payable by the defendant:

(e) in payment of any offender levy:

(f) in payment of the fine specified in the warrant:

(g) in payment to any secured party or secured parties of the applicable default balance or the applicable default balances certified under section 100K and deducted under paragraph (c):

(h) in payment of any fees and accident insurance levies prescribed under section 242(2)(b) of the Land Transport Act 1998 that are outstanding in respect of the vehicle:

(i) in payment of any road user charges under Road User Charges Act 2012 that are outstanding in respect of the vehicle:

(j) to the defendant or, as the case requires, to the substitute for the defendant.

(2) If any proceeds of sale are required to be applied to 2 or more security interests under subsection (1)(c), those proceeds must be applied in the order of the priority determined for those security interests by Part 7 or 8 of the Personal Property Securities Act 1999.

(3) If any proceeds of sale are required to be applied to 2 or more default balances under subsection (1)(g), those proceeds must be applied to those default balances in the order of the priority determined for the applicable security interests by Part 7 or 8 of the Personal Property Securities Act 1999.

(4) If the proceeds arise out of the sale of a motor vehicle owned by a substitute for the defendant or in which the substitute had an interest, the proceeds must be applied in the manner and order of priority specified in subsection (1), except that the payments described in paragraphs (d) to (f) of that subsection are limited to amounts imposed in respect of traffic offences committed by the defendant in a motor vehicle that, at the time of the commission of the offence, was owned by the substitute or in which the substitute had an interest.

(5) The Judge may, on application or on his or her own initiative, give any directions as to the application of the proceeds of sale under this section.

Section 100R: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 100R heading: amended, on 29 October 2019, by section 82(1) of the Courts Matters Act 2018 (2018 No 50).

Section 100R(1): amended, on 29 October 2019, by section 82(2) of the Courts Matters Act 2018 (2018 No 50).

Section 100R(1)(a): amended, on 1 March 2024, by section 53 of the Land Transport (Road Safety) Amendment Act 2023 (2023 No 62).

100RA Application of proceeds of sale of real property

(1) When real property is sold under section 100P, following the making of a sale order under section 88AE(1)(ab), the proceeds of the sale must be applied in the following manner and order of priority:

(a) in payment of the costs of the sale (including all costs incurred in selling the property and in complying with the provisions of this Part preliminary to sale):

(b) if 1 or more security agreements have been recognised under section 100J before the proceeds of the sale are fully applied, in payment to each secured party of the amount to which the secured party would, but for the extinguishment of the security interest concerned, have been entitled under that agreement less any applicable default balance certified, under section 100K, in respect of that agreement:

(c) in payment of any amount of reparation payable by the defendant:

(d) in payment of any offender levy:

(e) in payment of the fine specified in the order:

(f) in payment to any secured party or secured parties of the applicable default balance or the applicable default balances certified under section 100K and deducted under paragraph (b):

(g) to the defendant.

(2) If any proceeds of sale are required to be applied to 2 or more mortgages under subsection (1)(f), those proceeds must be applied in the order of the priority determined for those mortgages by section 185 of the Property Law Act 2007.

(3) The Judge or a Community Magistrate may, on application or on his or her own initiative, give any directions as to the application of the proceeds of sale under subsection (1) or (2).

Section 100RA: inserted, on 29 October 2019, by section 83 of the Courts Matters Act 2018 (2018 No 50).

100S Remission of fine and costs of sale in certain cases involving motor vehicles

(1) This section applies if the realisation under section 100N or 100P of any motor vehicle seized in respect of a fine does not result in a reduction of the defendant's fine by more than $100.

(2) The Registrar must—

(a) remit the impoundment costs and the costs of the sale of the motor vehicle (as those costs are described in section 100R(1)(a) and (b)); and

(b) remit—

(i) the entire fine in default for which the motor vehicle was seized, if the amount of that fine is $100 or less; or

(ii) $100 less any proceeds of that sale that have been applied towards paying the fine in default, if the amount of that fine is greater than $100.

Example

A motor vehicle seized in respect of a fine sells for $350. The impoundment costs and the costs of the sale of that motor vehicle are $300. This leaves a balance of $50 to be deducted from the fine. However, the Registrar must remit a further $50 of the fine in order to comply with the requirement for $100 to be deducted from the fine.

(3) The reference to **fine** in subsection (2)(b) excludes—

(a) any reparation that the defendant is liable to pay, other than court costs and other costs that have been added to that reparation; and

(b) any offender levy.

Section 100S: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100T Compensation to person with interest in property sold

(1) This section applies if—

(a) a person (other than the defendant or a substitute for the defendant or a nominee for the defendant or the substitute) suffers loss through the sale under section 100P of property in which the person had an interest; and

(b) the defendant or the substitute had not before the sale notified the Registrar of the person's interest in the property.

(2) If this section applies, a Judge may, on the application of that person, order the defendant to pay to the person compensation in respect of the loss.

(3) Subsection (2) does not limit or affect any other remedy that a person may have in respect of loss referred to in that subsection.

Section 100T: replaced, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100U Claims by creditors

[Repealed]

Section 100U: repealed, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100V Certain payments required before release to lessor or creditor takes effect

[Repealed]

Section 100V: repealed, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100W Application of proceeds of sale by creditor

[Repealed]

Section 100W: repealed, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100X Failure by creditor to sell or account for proceeds

[Repealed]

Section 100X: repealed, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

100Y Compensation to person with interest in motor vehicle sold

[Repealed]

Section 100Y: repealed, on 13 February 2012, by section 32 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

101 Offence to interfere with or rescue property seized

Every person commits an offence who interferes with, or rescues or attempts to rescue, any property knowing it to be seized under a warrant to seize property and is liable on conviction to imprisonment for a period not exceeding 3 months or to a fine not exceeding $2,000, and may be arrested without warrant by any bailiff or constable.

Section 101: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 101: amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

102 Protection of Registrar, bailiff, etc

No Registrar and no bailiff, constable or other officer shall be personally liable for any act done or omitted in good faith in the performance or purported performance of any power or function under this Act relating to the immobilisation of any vehicle or to the seizure of property or its subsequent sale, assignment, application, or disposal.

Section 102: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 102: amended, on 13 February 2012, by section 33 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 102: amended, on 15 December 1994, by section 5 of the Summary Proceedings Amendment Act 1994 (1994 No 161).

102A Resisting or obstructing bailiffs

(1) If any person, without reasonable excuse, resists or obstructs a bailiff while the bailiff is executing a warrant for arrest issued under section 88(4) or a computer printout that, under section 88AA, constitutes a warrant for arrest, the bailiff or any constable may take that person into custody, with or without a warrant, and bring that person before a Judge.

(2) The Judge may order the person to pay a fine not exceeding $300.

(3) This section does not prevent proceedings being taken against a person under some other Act instead of under this section.

Section 102A: inserted, on 1 November 1998, by section 26 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 102A(1): amended, on 13 February 2012, by section 26 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

102B Proceedings against bailiffs acting under warrants

(1) No proceeding may be commenced against a bailiff for anything done under a warrant for arrest issued under section 88(4) or a computer printout that, under section 88AA, constitutes a warrant for arrest, unless—

(a) a demand for inspection of the warrant and for a copy of the warrant is made or left at the office of the court by the party intending to bring the proceeding, or by his or her lawyer or agent; and

(b) the demand is in writing and is signed by the person making the demand; and

(c) the bailiff refuses or neglects to comply with the demand within 6 days after it is made.

(2) If any proceeding is commenced against a bailiff where a demand referred to in subsection (1) has been made and not complied with, judgment must be given for the bailiff if the warrant is produced or proved at the trial even though there may be a defect of jurisdiction or other irregularity in the warrant.

(3) The Registrar who issued the warrant may be joined as a defendant in the proceeding and, if the Registrar is joined and judgment is given against the Registrar, the costs to be recovered by the plaintiff against the Registrar must include the costs that the plaintiff is liable to pay to the bailiff.

Sections 102B: inserted, on 1 November 1998, by section 26 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 102B(1): amended, on 13 February 2012, by section 26 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 102B(1)(a): amended, on 14 November 2018, by section 84 of the Courts Matters Act 2018 (2018 No 50).

103 Effect of attachment order

(1) An attachment order under section 87(2)(b) or (2B) or 88AE(1)(a) shall be in a form approved under section 209A and shall be dealt with and have effect as provided in sections 104 to 106B.

(1A) A copy of an attachment order must be served on the defendant.

(2) *[Repealed]*

Compare: 1957 No 87 s 95

Section 103: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 103(1): amended, on 14 November 2018, by section 85(1) of the Courts Matters Act 2018 (2018 No 50).

Section 103(1): amended, on 13 February 2012, by section 34(b) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 103(1A): inserted, on 14 November 2018, by section 85(2) of the Courts Matters Act 2018 (2018 No 50).

Section 103(2): repealed, on 1 April 1996, by section 15 of the Summary Proceedings Amendment Act 1995 (1995 No 64).

104 Attachment order to be served on employer

(1) When an attachment order is made, a copy of the order must be served on the employer to whom it relates.

(2) *[Repealed]*

(3) Every attachment order shall take effect when a copy of the order is served on the employer in accordance with section 79A or 79B.

Compare: 1980 No 94 s 105

Section 104: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 104(1): replaced, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 104(2): repealed, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 104(3): amended, on 13 February 2012, by section 11 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

104A Power to obtain information in respect of employers

(1) This section applies if—

(a) an attachment order is being made in respect of a defendant, or the Registrar is considering whether to vary, suspend, or cancel an attachment order made in respect of a defendant; and

(b) the name, address, and telephone number of the employer of the defendant, or any of those details, are unknown or require clarification.

(1A) If this section applies, a Registrar may require the Commissioner of Inland Revenue to provide the Registrar with all or any of the following details:

(a) the name of the employer of the defendant:

(b) the address of the employer of the defendant:

(c) the telephone number of the employer of the defendant.

(2) The Commissioner of Inland Revenue must comply with a requirement under subsection (1A)—

(a) within a reasonable period; and

(b) in the manner specified in the requirement; and

(c) without imposing a charge.

(2A) A requirement under subsection (1A) may be made by post or by fax, email, or other electronic means.

(3) If the defendant has died and the Commissioner of Inland Revenue is aware of that fact, the Commissioner of Inland Revenue must advise the Registrar accordingly on receipt of a requirement under subsection (1A).

Section 104A: inserted, on 1 November 1998, by section 27 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 104A(1): replaced, on 9 October 2006, by section 22(1) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 104A(1A): inserted, on 9 October 2006, by section 22(1) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 104A(1A): amended, on 13 February 2012, by section 35(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 104A(2): amended, on 13 February 2012, by section 35(2)(a) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 104A(2): amended, on 9 October 2006, by section 22(2) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 104A(2)(b): amended, on 13 February 2012, by section 35(2)(b) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 104A(2A): inserted, on 13 February 2012, by section 35(3) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 104A(3): inserted, on 9 October 2006, by section 22(3) of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 104A(3): amended, on 13 February 2012, by section 35(4) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

105 Content of attachment orders

(1) An attachment order must state—

(a) when deductions are to be made, by reference to a period of a week, fortnight, month, or some other period (the **earnings period**); and

(b) the amount or percentage to be deducted from the defendant's salary or wages for the earnings period; and

(c) an amount or percentage below which the net amount paid to the defendant for the earnings period must not fall; and

(d) that the money due and payable under the fine is, by way of the directed deductions, to be a charge on any salary or wages that from time to time while the attachment order remains in force become due and payable by the employer to the defendant.

(2) The charge created by the attachment order—

(a) accrues from earnings period to earnings period, and on a day within, or following, each period that is specified in the attachment order; and

(b) attaches to all salary or wages that become due by the employer to the defendant at any time while the attachment order is in force, whether or not the contract of employment in respect of which the salary or wages so become due existed at the date of the attachment order; and

(c) prevails over and has priority to any assignment or charge created by the defendant (whether before or after the making of the attachment order against the defendant), so that the attachment order has the same effect as if no such assignment or charge had been made or created.

(3) Every attachment order applies for a fixed period stated in the order, and must not apply for a period of more than 5 years after the date on which the order is made by the Registrar or the chief executive.

(4) Despite subsections (1) and (2), no attachment order is to operate so that, when its effect is considered either alone or with the effect of any item specified in subsection (5), the net amount paid to a defendant for an earnings period is below the protected earnings rate for the earnings period; and, where necessary, the amount to be deducted from the defendant's salary or wages for the earnings period is treated as being reduced or cancelled accordingly.

(5) The items referred to in subsection (4) are—

(a) a deduction notice or an attachment order under the Child Support Act 1991, the Family Proceedings Act 1980, the Social Security Act 2018, or the Tax Administration Act 1994:

(b) a deduction for the recovery of payments under regulations made under section 444 of the Social Security Act 2018.

(6) If any question arises in any case as to the priority to be accorded to an attachment order made under this Act, each of the items specified in subsection (5) has priority over that attachment order.

(7) In this section,—

net earnings, in relation to an earnings period, means the balance left after deducting from the defendant's salary or wages for the earnings period the amount of tax required to be withheld or deducted in accordance with the PAYE rules of the Income Tax Act 2007 if the salary or wages were the only salary or wages paid to the defendant by the employer for the earnings period

protected earnings rate, in relation to an earnings period, means the higher of—

(a) 60% of net earnings for the earnings period; and

(b) the amount or percentage stated under subsection (1)(c).

Section 105: replaced, on 13 February 2012, by section 36 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 105(3): amended, on 14 November 2018, by section 86 of the Courts Matters Act 2018 (2018 No 50).

Section 105(5)(a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 105(5)(b): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

106 Liability of employer

(1) As long as an attachment order remains in force, the employer to whom it relates shall from time to time, whenever any money becomes due and payable by the employer to the defendant by way of salary or wages—

(a) deduct from that money such sum as is sufficient to satisfy the charge on the money so far as the same has accrued before the day on which the salary or wages becomes due and payable; and

(b) not later than the 20th day of the month next after the month in which the deduction is made pay the amount so deducted to a person, or into a trust account, in accordance with section 208.

(2) All sums so deducted are hereby deemed to have been paid by the employer in satisfaction of the salary or wages payable by the employer to the defendant.

(3) All sums so deducted are hereby deemed to have been paid by the defendant in satisfaction of the defendant's liability to pay the fine.

(4) If the defendant gives notice of resignation, or is given notice of dismissal, from the employment of the employer to whom the attachment order relates, the employer must, within 7 days after receiving or giving the notice, notify the Registrar of the court in which the attachment order was issued or the chief executive, if the attachment order was made by the chief executive, of the date of the last day of the defendant's employment.

(4A) If the employer to whom the attachment order relates ceases to pay salary or wages to the defendant for a reason other than the defendant's dismissal or resignation from the employment of the employer, the employer must, within 7 days after ceasing to pay the salary or wages, notify the Registrar of the court in which the attachment order was issued or the chief executive, if the attachment order was made by the chief executive, of the day on which the salary or wages ceased to be paid.

(5) Where the employer makes default in the payment of any money in satisfaction of any such charge, that money shall become a debt due by the employer to the Crown, and may be recovered by the Crown by action in any court of competent jurisdiction.

(6) Every employer commits an offence and is liable on conviction to a fine not exceeding $1,000 who fails without reasonable excuse to comply with paragraph (a) or paragraph (b) of subsection (1).

Compare: 1980 No 94 s 108

Section 106: replaced, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 106(1)(b): amended, on 9 October 2006, by section 23 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 106(4): replaced, on 13 February 2012, by section 37 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106(4): amended, on 14 November 2018, by section 87 of the Courts Matters Act 2018 (2018 No 50).

Section 106(4A): inserted, on 13 February 2012, by section 37 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106(4A): amended, on 14 November 2018, by section 87 of the Courts Matters Act 2018 (2018 No 50).

Section 106(6): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

106A Wrongful treatment of employee

Every employer commits an offence and is liable on conviction to a fine not exceeding $1,000 who dismisses any employee or alters any employee's position in the employer's business or undertaking to the employee's prejudice by reason of—

(a) the employee having been ordered to pay 1 or more fines; or

(b) an attachment order having been served on the employer; or

(c) the employer becoming aware that an attachment order is being made or has been made in respect of the employee.

Section 106A: replaced, on 13 February 2012, by section 38 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106A: amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

106B Extent to which attachment orders bind the Crown

(1) In this section—

employing department means—

(a) a department of State in which a person is employed; and

(b) in relation to a person to whom any retiring allowance or pension or other payment of a similar nature is payable—

(i) out of the Government Superannuation Fund, the Government Superannuation Fund Authority:

(ii) out of the National Provident Fund, the Board of Trustees of the National Provident Fund

servant of the Crown means a person in the service of the Sovereign in respect of the Government of New Zealand; and includes a person in temporary or casual service but does not include a person in honorary service; and also includes any person serving in any of the New Zealand Armed Forces; and also

includes a person to whom any retiring allowance or pension or other payment of a similar nature is payable out of the Government Superannuation Fund or the National Provident Fund.

(2) Sections 104 to 106A shall bind the Crown to the extent of and subject to subsection (3).

(3) If the defendant liable to pay a fine is a servant of the Crown, an attachment order may be made against the Crown as employer.

Compare: 1980 No 94 s 117

Section 106B: inserted, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 106B(1) **servant of the Crown**: editorial change made by the PCO, on 15 August 2024, sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 106B(1) **employing department** paragraph (b): replaced, on 1 October 1995, by section 31 of the Government Superannuation Fund Amendment Act 1995 (1995 No 28).

Section 106B(1) **employing department** paragraph (b)(i): amended, on 2 October 2001, by section 40 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Section 106B(3): replaced, on 13 February 2012, by section 39 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

106C Statement of salary or wages paid

For the purpose of determining the means of any defendant for the purposes of this Part, a statutory declaration given by or on behalf of any person stating that the person paid a stated amount of salary or wages to the defendant or in respect of a stated period as the defendant's employer shall, in the absence of evidence to the contrary, be sufficient evidence of the facts stated in the declaration.

Compare: 1957 No 87 s 90

Section 106C: inserted, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

106D Transfer of enforcement to another office of District Court

If a fine has been ordered to be paid or an order has been made by a court or the Registrar of that court under this Part, that fine or order (as the case may be) is enforceable in another office of the District Court.

Section 106D: replaced, on 1 November 1998, by section 29 of the Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91).

Section 106D heading: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 106D: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

106E Restrictions on substituted sentences

(1) A District Court Judge or Community Magistrate must not impose a substituted sentence on a defendant for non-payment of 1 or more fines under this Part unless—

(a) an assessment of the defendant's financial capacity has been recently completed, being an assessment that does not include information given by a third party unless it also gives details of the source of the information and the date to which the information relates; and

(b) the Judge or Community Magistrate has considered the assessment; and

(c) the Judge or Community Magistrate is satisfied that all other methods of enforcing the fine or fines have been considered or tried and that they are inappropriate or have been unsuccessful.

(2) A District Court Judge or Community Magistrate may, subject to the restrictions set out in this section, sentence a defendant to community work or community detention for non-payment of 1 or more fines under this Part.

(3) A District Court Judge may, subject to the restrictions set out in this section,—

(a) sentence a defendant to home detention for non-payment of 1 or more fines under this Part:

(b) issue, or direct the issue of, a warrant of commitment for the imprisonment of a defendant for non-payment of 1 or more fines under this Part.

(4) In sentencing a defendant for non-payment of 1 or more fines under this Part, the court must impose the least restrictive sentence that is appropriate in the circumstances.

(5) A District Court Judge or Community Magistrate must not sentence a defendant to a sentence of community detention in accordance with subsection (2) unless—

(a) a pre-sentence report has been provided in accordance with section 26A of the Sentencing Act 2002; and

(b) the Judge or Community Magistrate is satisfied of the matters in section 69C of the Sentencing Act 2002.

(6) A District Court Judge must not sentence a defendant to a sentence of home detention in accordance with subsection (3)(a) unless—

(a) a pre-sentence report has been provided in accordance with section 26A of the Sentencing Act 2002; and

(b) the Judge is satisfied of the matters in section 80A(2)(a) of the Sentencing Act 2002; and

(c) either of the following applies:

(i) the defendant is already undergoing a sentence of home detention or is about to be sentenced to home detention for another offence at the time that the Judge is considering sentencing the defendant for non-payment of 1 or more fines under this Part:

(ii) the Judge is satisfied that the defendant has the financial capacity to pay the fine or fines.

(7) A District Court Judge must not issue, or direct the issue of, a warrant of commitment for the imprisonment of a defendant in accordance with subsection (3)(b) unless—

(a) the defendant has had the same opportunity for legal representation as is available to a defendant who is liable to a sentence of imprisonment under section 30 of the Sentencing Act 2002; and

(b) the warrant of commitment can be executed immediately; and

(c) either of the following applies:

(i) the defendant is already undergoing a sentence of imprisonment or is about to be sentenced to imprisonment for another offence at the time that the Judge is considering the sentence for the defendant for non-payment of 1 or more fines under this Part:

(ii) the Judge is satisfied that the defendant has the financial capacity to pay the fine or fines.

(8) Subsection (7) is subject to section 83.

(9) Sections 19 and 20A of the Sentencing Act 2002 apply if a defendant is already undergoing a sentence or is about to be sentenced for another offence at the time that a District Court Judge is considering the sentence for the defendant for non-payment of 1 or more fines under this Part.

Section 106E: replaced, on 13 February 2012, by section 40 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106E(9): amended, on 22 January 2014, by section 60 of the Administration of Community Sentences and Orders Act 2013 (2013 No 88).

106EA Defendant may be arrested for assessment of financial capacity

(1) Before a District Court Judge sentences a defendant to home detention, or issues or directs the issue of a warrant of commitment, under section 88AE(1), he or she may direct that a warrant for the defendant's arrest be issued to have the defendant brought before a District Court Judge to enable the defendant's financial capacity to pay the fine or fines to be assessed.

(2) In assessing the defendant's financial capacity to pay the fine or fines, a District Court Judge must take into account—

(a) the court's assessment of the defendant's capacity to pay the fine or fines (whether based on the defendant's declaration of financial capacity or otherwise) when the fine or fines were imposed; and

(b) any change of circumstances since that original assessment was made; and

(c) the defendant's current financial position.

(3) If a defendant is arrested under subsection (1), the provisions of section 88AC apply.

(4) If a District Court Judge directs that a warrant for the defendant's arrest be issued under subsection (1),—

(a) the Registrar may issue the warrant; and

(b) a constable or bailiff may execute the warrant.

Section 106EA: inserted, on 13 February 2012, by section 40 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

106F Review of Registrar's decision

(1) Any defendant or other person affected by any order or decision made by a Registrar under section 78B or 78C or under this Part may apply to a District Court Judge for a review of the order or decision.

(2) On any such review the Judge may confirm, rescind, or vary the Registrar's order or decision and the order or decision shall have effect, or cease to have effect, accordingly.

(3) If the decision to which the application under subsection (1) relates is a decision to issue a warrant to seize property and that warrant has been executed,—

(a) any seized property that has not been sold, assigned, applied, released, or otherwise disposed of must be retained under section 100B(3) if an application for review is made under subsection (1) and the review is pending; or

(b) if the seized property has been sold but the proceeds of the sale have not been applied in accordance with section 100N or 100R, the proceeds must be retained if an application for review is made under subsection (1) and the review is pending.

(4) If, on the determination of the review, the Judge confirms the Registrar's decision to issue the warrant to seize property, the property must be dealt with, and any fees and costs payable under an enactment in respect of the property are payable, as if the application had not been made.

(5) If, on the determination of the review, the Judge rescinds the Registrar's decision to issue the warrant to seize property, the owner—

(a) is entitled to—

(i) the return of the property if the property has been retained in accordance with subsection (3)(a); or

(ii) the proceeds of any sale if the proceeds have been retained in accordance with subsection (3)(b); and

(b) is not liable for any fees and costs payable under an enactment in respect of the property.

(6) On a review of a Registrar's decision to issue a warrant to seize property, the Judge may, subject to subsection (5)(b), make any order on any matter (includ-

ing costs) that the Judge thinks just, having regard to all the circumstances of the case.

Compare: 1957 No 87 s 98

Section 106F: inserted, on 1 November 1987, by section 14 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

Section 106F(1): amended, on 1 August 2012, by section 41(1) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106F(3): inserted, on 13 February 2012, by section 41(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106F(4): inserted, on 13 February 2012, by section 41(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106F(5): inserted, on 13 February 2012, by section 41(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

Section 106F(6): inserted, on 13 February 2012, by section 41(2) of the Summary Proceedings Amendment Act 2011 (2011 No 32).

106G Actions under warrant to seize pending appeal

(1) If a warrant to seize property is issued before a notice of appeal or an application for leave to appeal is filed under Part 6 of the Criminal Procedure Act 2011, then—

(a) if the warrant has not been executed, it is suspended until the appeal has been determined or abandoned:

(b) if the warrant has been executed,—

(i) any seized property that has not been sold, assigned, applied, released, or otherwise disposed of must be retained while the appeal is pending; or

(ii) if the seized property has been sold but the proceeds of the sale have not been applied in accordance with section 100N or 100R, the proceeds must be retained while the appeal is pending.

(2) If, on the determination or abandonment of the appeal, the determination in respect of which the warrant was issued continues in effect, the property must be dealt with, and any fees and costs payable under an enactment in respect of the property are payable, as if the notice of appeal had not been given.

(3) If, on the determination or abandonment of the appeal, the determination in respect of which the warrant was issued is set aside, the owner—

(a) is entitled to—

(i) the return of the property if the property has been retained in accordance with subsection (1)(b)(i); or

(ii) the proceeds of any sale if the proceeds have been retained in accordance with subsection (1)(b)(ii); and

(b) is not liable for any fees and costs payable under an enactment in respect of the property.

Section 106G: inserted, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

106H Application of Criminal Procedure Act 2011

Unless otherwise stated in section 78B or Part 3, the provisions of the Criminal Procedure Act 2011 apply with any necessary modifications to the enforcement of a fine under this Part, or any application under section 78B, if an oral hearing or attendance before a court or a Registrar is required, as if that matter were proceedings for a category 1 offence.

Section 106H: inserted, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Part 4
Appeals

[Repealed]

Part 4: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Appeals on points of law only by way of case stated

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

107 Appeal on question of law only by way of case stated

[Repealed]

Section 107: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

108 No appeal on ground of improper admission or rejection of evidence

[Repealed]

Section 108: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

109 District Court Judge or Justice may refuse a case if he thinks appeal frivolous

[Repealed]

Section 109: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

110 Certiorari not to be required when appeal upon case stated

[Repealed]

Section 110: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

111 Case may be sent back for amendment

[Repealed]

Section 111: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

112 High Court to determine the questions on the case

[Repealed]

Section 112: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

113 Appeal on point of law may be removed into Court of Appeal

[Repealed]

Section 113: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

114 Defendant appealing by way of case stated not allowed to appeal otherwise

[Repealed]

Section 114: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

114A Appeals from decisions of Community Magistrates

[Repealed]

Section 114A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

114B Appeal to High Court on question of law

[Repealed]

Section 114B: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

General appeals

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

115 Defendant's general right of appeal to High Court

[Repealed]

Section 115: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

115A Informant's right of appeal against sentence

[Repealed]

Section 115A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

115B Right of appeal against sentence for contempt of court

[Repealed]

Section 115B: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

115C Right of appeal against decisions relating to publication of reports of proceedings or identifying particulars

[Repealed]

Section 115C: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

115D Rights of appeal against decisions relating to bail

[Repealed]

Section 115D: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

115DA Right of appeal against order for costs

[Repealed]

Section 115DA: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

115DB Rights of appeal subject to Crimes Act 1961

[Repealed]

Section 115DB: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

115E Procedural provisions applying to appeals under section 115D

[Repealed]

Section 115E: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

116 Notice of appeal

[Repealed]

Section 116: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

117 Transmission of notice of appeal to High Court

[Repealed]

Section 117: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

118 Setting down appeal for hearing

[Repealed]

Section 118: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

119 Procedure on appeal

[Repealed]

Section 119: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

120 Defects in notice of appeal

[Repealed]

Section 120: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

121 High Court to hear and determine appeal

[Repealed]

Section 121: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

122 Power to clear court and forbid report of proceedings

[Repealed]

Section 122: repealed, on 17 December 1985, by section 3 of the Summary Proceedings Amendment Act (No 5) 1985 (1985 No 191).

Provisions relating to all appeals

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

123 Powers of Judge of High Court as to extension of time

[Repealed]

Section 123: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

124 Provisions as to issue of warrant pending appeal

[Repealed]

Section 124: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

125 Granting of bail to appellant who is in custody

[Repealed]

Section 125: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

126 Arrest of appellant who has absconded or is about to abscond while on bail

[Repealed]

Section 126: repealed, on 1 August 1987, by section 8(1) of the Summary Proceedings Amendment Act (No 2) 1987 (1987 No 172).

127 Custody of appellant pending appeal

[Repealed]

Section 127: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

128 Surrender of appellant released on bail and discharge of surety

[Repealed]

Section 128: repealed, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

129 Abandonment of appeal

[Repealed]

Section 129: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

130 Presentation of case by party in custody

[Repealed]

Section 130: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

131 Power of High Court to direct rehearing of information or complaint

[Repealed]

Section 131: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

132 Amendment of conviction by substituting one offence for another

[Repealed]

Section 132: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

133 Dismissal of appeal for non-prosecution

[Repealed]

Section 133: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

134 Registrar to certify decision on appeal

[Repealed]

Section 134: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

135 Execution of decision of High Court

[Repealed]

Section 135: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

136 Custody of person after determination of appeal

[Repealed]

Section 136: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

137 Resumption of sentence or order on determination of appeal

[Repealed]

Section 137: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

137A Provisions on determination of appeal where defendant sentenced to periodic detention

[Repealed]

Section 137A: repealed, on 1 September 1993, by section 23 of the Summary Proceedings Amendment Act 1993 (1993 No 47).

137B Provisions on determination of appeal where defendant sentenced to community service

[Repealed]

Section 137B: repealed, on 1 September 1993, by section 23 of the Summary Proceedings Amendment Act 1993 (1993 No 47).

137C Provisions on determination of appeal where defendant sentenced to community care

[Repealed]

Section 137C: repealed, on 1 September 1993, by section 23 of the Summary Proceedings Amendment Act 1993 (1993 No 47).

137D Provisions on determination of appeal where non-association order made in respect of defendant

[Repealed]

Section 137D: repealed, on 1 September 1993, by section 23 of the Summary Proceedings Amendment Act 1993 (1993 No 47).

138 Revesting and restitution of property on conviction

[Repealed]

Section 138: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

139 Estreat of bail bond where determination appealed against

[Repealed]

Section 139: repealed, on 1 August 1987, by section 6 of the Summary Proceedings Amendment Act (No 2) 1987 (1987 No 172).

140 Orders as to costs

[Repealed]

Section 140: repealed, on 1 April 1968, by section 14(2) of the Costs in Criminal Cases Act 1967 (1967 No 129).

141 Party giving notice of appeal and not prosecuting same may be ordered to pay costs

[Repealed]

Section 141: repealed, on 1 April 1968, by section 14(2) of the Costs in Criminal Cases Act 1967 (1967 No 129).

142 Enforcement of order as to costs

[Repealed]

Section 142: repealed, on 1 April 1968, by section 14(2) of the Costs in Criminal Cases Act 1967 (1967 No 129).

143 No court fees payable on appeal by person sentenced to detention

[Repealed]

Section 143: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Appeal to Court of Appeal

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

144 Appeal to Court of Appeal

[Repealed]

Section 144: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

144A Appeal to Supreme Court

[Repealed]

Section 144A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

144B Powers of Court of Appeal and Supreme Court on appeal

[Repealed]

Section 144B: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Part 5
Committal proceedings for indictable offences

[Repealed]

Part 5: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

145 Purpose and overview

[Repealed]

Section 145: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

146 Interpretation

[Repealed]

Section 146: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Commencement of proceedings under this Part

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

147 Proceedings under this Part

[Repealed]

Section 147: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Information, summons, and warrant

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

148 Application of provisions of Part 2

[Repealed]

Section 148: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

149 Notice to defendant

[Repealed]

Section 149: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

150 Issue of summons or warrant

[Repealed]

Section 150: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

151 Issue of warrant if defendant does not attend

[Repealed]

Section 151: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

152 Defect in form or variance between charge and evidence

[Repealed]

Section 152: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

152A Power of Registrar to adjourn

[Repealed]

Section 152A: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

Service of documents

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

153 Service of summons on defendant

[Repealed]

Section 153: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

153A Defendant may plead guilty before or during preliminary hearing

[Repealed]

Section 153A: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

154 Application of provisions of Part 2

[Repealed]

Section 154: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Adjournments and bail

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

155 Power to adjourn

[Repealed]

Section 155: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

156 Power of Registrar to adjourn

[Repealed]

Section 156: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

157 Application of section 46

[Repealed]

Section 157: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Withdrawal of information and stay of proceedings

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

158 Withdrawal of information by prosecutor

[Repealed]

Section 158: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

159 Stay of proceedings

[Repealed]

Section 159: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Plea of guilty before committal

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

160 Defendant may plead guilty before committal

[Repealed]

Section 160: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

160A Committal without consideration of evidence

[Repealed]

Section 160A: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

161 Procedure if defendant makes request under section 160

[Repealed]

Section 161: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

161A Application for leave to question undercover Police officer's identity to be removed into High Court

[Repealed]

Section 161A: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

Formal written statements for purposes of committal

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

162 Formal written statements

[Repealed]

Section 162: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

163 False statement in formal written statement deemed to be perjury

[Repealed]

Section 163: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Special provisions for taking evidence

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

164 Power to take statement of person dangerously ill

[Repealed]

Section 164: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

165 Evidence of statement made by person dangerously ill

[Repealed]

Section 165: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

166 Provision for person in custody to be present at taking of statement

[Repealed]

Section 166: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Preliminary provisions applicable to committal

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

167 Place of committal

[Repealed]

Section 167: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

168 Obligations of prosecutor to file formal written statements within certain period

[Repealed]

Section 168: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

168A Court to which defendant to be committed

[Repealed]

Section 168A: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

168AA High Court Judge to determine court of trial in certain cases

[Repealed]

Section 168AA: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

168AB Notice of transfer of case to District Court

[Repealed]

Section 168AB: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

168B Defendant to be warned as to law relating to notice of alibi

[Repealed]

Section 168B: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

168C Defendant to be advised of his right to apply for trial before a Judge without a jury

[Repealed]

Section 168C: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

169 Standard committal is not hearing and does not involve prosecutor's or defendant's presence

[Repealed]

Section 169: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

170 Defendant's entitlement to be present during hearings

[Repealed]

Section 170: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

171 Charge to be read to defendant in certain circumstances

[Repealed]

Section 171: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

172 Amendment of information

[Repealed]

Section 172: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

173 Persons who may give evidence under assumed name

[Repealed]

Section 173: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

173A Written statements

[Repealed]

Section 173A: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

174 No comment may be made on defendant refraining from answering charge

[Repealed]

Section 174: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

175 When formal written statement or record of oral evidence in other proceedings may be admitted as evidence at committal hearing or for purposes of standard committal

[Repealed]

Section 175: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

176 Defendant must disclose evidence to be provided at committal hearing

[Repealed]

Section 176: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Timing and procedure at standard committal

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

177 Timing and procedure at standard committal

[Repealed]

Section 177: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Oral evidence orders

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

178 Application for oral evidence order

[Repealed]

Section 178: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

179 Application for leave to question undercover Police officer's identity must be removed into High Court

[Repealed]

Section 179: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

180 Determination of application for oral evidence order

[Repealed]

Section 180: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

181 Judge may make oral evidence order of own motion

[Repealed]

Section 181: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

182 Oral evidence of witness who resides at distance, is ill, or is departing New Zealand may be taken at any court

[Repealed]

Section 182: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

When committal hearing must be held

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

183 Committal hearing required if oral evidence order applies

[Repealed]

Section 183: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Procedure at committal hearing

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184 Application of provisions of Part 2

[Repealed]

Section 184: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184A Procedure at committal hearing

[Repealed]

Section 184A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184B No oral evidence without order

[Repealed]

Section 184B: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184C Court may direct that formal written statements be read aloud

[Repealed]

Section 184C: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184D Oral evidence must be recorded in writing

[Repealed]

Section 184D: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184E Committal hearing may be completed despite witness's failure to appear or give evidence

[Repealed]

Section 184E: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Determination at committal hearing

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184F If evidence insufficient, defendant must be discharged

[Repealed]

Section 184F: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184G If evidence sufficient, defendant must be committed for trial

[Repealed]

Section 184G: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Powers of court if defendant seeks to provide undisclosed evidence at committal hearing

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184H Powers of court if defendant seeks to provide evidence at committal hearing that was not disclosed as required by section 176

[Repealed]

Section 184H: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Committal for trial or sentence

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184I Advice must be given to defendant on committal following committal hearing

[Repealed]

Section 184I: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Procedure if defendant pleads guilty

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184J Procedure if defendant pleads guilty

[Repealed]

Section 184J: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184K If defendant pleads guilty, no objection may be taken and plea must not be withdrawn without leave

[Repealed]

Section 184K: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184L Defendant committed for sentence must be brought before High Court

[Repealed]

Section 184L: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Procedure if defendant does not plead guilty

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184M Procedure if standard committal occurs or defendant does not plead guilty

[Repealed]

Section 184M: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184N Court to which defendant must be committed

[Repealed]

Section 184N: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184O Court to which defendant must be committed if related charge must be heard in High Court

[Repealed]

Section 184O: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184P Committal to wrong court

[Repealed]

Section 184P: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184Q High Court Judge must determine trial court in certain cases

[Repealed]

Section 184Q: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184R Notice of transfer of case to District Court

[Repealed]

Section 184R: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184S Defendant must be advised of right to apply for trial before Judge without jury

[Repealed]

Section 184S: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Procedure after committal for trial or sentence

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184T Dealing with defendant committed for trial or for sentence

[Repealed]

Section 184T: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184U Evidence of witness taken after defendant committed for trial

[Repealed]

Section 184U: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184V Notice to witnesses to attend at trial court

[Repealed]

Section 184V: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184W On committal, documents, etc, must be sent to trial court or sentencing court

[Repealed]

Section 184W: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184X Every party entitled to records of oral evidence or summary of facts

[Repealed]

Section 184X: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

184Y When formal written statement or record of oral evidence may be read in evidence at trial

[Repealed]

Section 184Y: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

185 Witness about to leave New Zealand may be arrested

[Repealed]

Section 185: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Part 5A
Special provisions relating to standard committal process and committal hearings in cases of sexual nature

[Repealed]

Part 5A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

185A Application

[Repealed]

Section 185A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

185B Certain hearings to be conducted by Judge

[Repealed]

Section 185B: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

185C Evidence of complainant

[Repealed]

Section 185C: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

185CA Child complainant's evidence may be given by videotape

[Repealed]

Section 185CA: repealed, on 29 June 2009, by section 12 of the Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41).

185D Child complainant's evidence may be given by video record

[Repealed]

Section 185D: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

185E Power of court to prohibit publication of certain details

[Repealed]

Section 185E: repealed, on 5 March 2012 (applying in relation to a proceeding for an offence that was commenced before that date), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

185F Other powers of court preserved

[Repealed]

Section 185F: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Part 6
Conservation of the peace

[Repealed]

Part 6: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Sureties of the peace

[Repealed]

Heading: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

186 Application for order for bond to keep the peace

[Repealed]

Section 186: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

187 Making of order for bond

[Repealed]

Section 187: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

188 Making of order for bond where person charged with offence

[Repealed]

Section 188: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

189 Refusal to enter into bond

[Repealed]

Section 189: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

190 Persons imprisoned in default of finding sureties may be released on death of person for whose protection order made

[Repealed]

Section 190: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

191 Estreat of bond

[Repealed]

Section 191: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Special constables

[Repealed]

Heading: repealed, on 1 October 2008, pursuant to section 130(1) of the Policing Act 2008 (2008 No 72).

192 Appointment and powers of special constables

[Repealed]

Section 192: repealed, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Part 7
Protection of Justices and Community Magistrates

[Repealed]

Part 7: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

193 No action against Justice, or Community Magistrate unless act in excess of jurisdiction or without jurisdiction

[Repealed]

Section 193: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

194 No action against Justice, or Community Magistrate to be brought in District Court

[Repealed]

Section 194: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

195 Onus of proof

[Repealed]

Section 195: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

196 Plaintiff may be ordered to give security for costs

[Repealed]

Section 196: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

196A Indemnity to District Court Judge

[Repealed]

Section 196A: repealed, on 20 May 2004, by section 8 of the Summary Proceedings Amendment Act 2004 (2004 No 47).

197 Indemnity to Justice or Community Magistrate

[Repealed]

Section 197: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Part 8
General provisions

Search

[Repealed]

Heading: repealed, on 1 October 2012, by section 337(3) of the Search and Surveillance Act 2012 (2012 No 24).

198 Search warrants

[Repealed]

Section 198: repealed, on 1 October 2012, by section 337(3) of the Search and Surveillance Act 2012 (2012 No 24).

198A Procedure where certain documents seized from solicitors' offices

[Repealed]

Section 198A: repealed, on 1 October 2012, by section 337(3) of the Search and Surveillance Act 2012 (2012 No 24).

198B Person with knowledge of computer or computer network to assist access

[Repealed]

Section 198B: repealed, on 1 October 2012, by section 337(3) of the Search and Surveillance Act 2012 (2012 No 24).

199 Disposal of things seized

[Repealed]

Section 199: repealed, on 1 October 2012, by section 337(3) of the Search and Surveillance Act 2012 (2012 No 24).

200 Other enactments as to search warrants not affected

[Repealed]

Section 200: repealed, on 1 October 2012, by section 337(3) of the Search and Surveillance Act 2012 (2012 No 24).

Tracking devices

[Repealed]

Heading: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200A Interpretation

[Repealed]

Section 200A: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200B Application for tracking device warrant

[Repealed]

Section 200B: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200C Issue of tracking device warrant

[Repealed]

Section 200C: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200D Effect of tracking device warrant

[Repealed]

Section 200D: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200E Expiry of warrant

[Repealed]

Section 200E: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200F Renewal of warrant

[Repealed]

Section 200F: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200G Use of tracking device without warrant

[Repealed]

Section 200G: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200H Reports

[Repealed]

Section 200H: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200I Warrant for removal of tracking device

[Repealed]

Section 200I: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200J Agencies to give information to Parliament

[Repealed]

Section 200J: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200K Security of applications for tracking device warrants

[Repealed]

Section 200K: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200L Restriction on production of documents relating to application

[Repealed]

Section 200L: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200M Application for production of documents

[Repealed]

Section 200M: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200N Request for production made in course of proceedings

[Repealed]

Section 200N: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200O Application referred to Judge

[Repealed]

Section 200O: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

200P Judges entitled to inspect relevant documents

[Repealed]

Section 200P: repealed, on 18 April 2012, by section 337(4) of the Search and Surveillance Act 2012 (2012 No 24).

Miscellaneous

201 Amendment of conviction, order, or warrant

[Repealed]

Section 201: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

202 Who may take affidavit

[Repealed]

Section 202: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

203AA Criminal records

Section 184 of the Criminal Procedure Act 2011 applies in respect of any matter to which section 21(8) or 106H applies.

Section 203AA: inserted, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

203 Acts not generally to be done on Sunday

[Repealed]

Section 203: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

204 Proceedings not to be questioned for want of form

No summons, sentence, order, bond, warrant, or other document under this Act, and no process or proceeding under this Act shall be quashed, set aside, or held invalid by the District Court or by any other court by reason only of any defect, irregularity, omission, or want of form unless the court is satisfied that there has been a miscarriage of justice.

Compare: 1909 No 13 ss 4–6; 1927 No 37 ss 79, 373; 1952 No 41 s 11

Section 204: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 204: amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

205 Proceedings not invalid because defendant should have been dealt with in Youth Court

[Repealed]

Section 205: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

206 Contempt of court

[Repealed]

Section 206: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

207 Payment and recovery of fees

(1) All fees, except such as may be payable in respect of keeping possession of or for storing or removing or selling goods seized under a warrant, shall be paid in the first instance by the party on whose behalf any proceedings are taken.

(2) Subject to the provisions of subsection (3), no District Court Judge or Justice or Community Magistrate or officer of the court shall do any act for which a fee is payable unless the fee is first paid, but no such act if done shall be invalid by reason only of the non-payment of the fee.

(3) Except as provided in regulations made under this Act, no fee shall be received or demanded from any constable or from any duly appointed officer or employee of the Crown or of any local authority or other statutory public body or Board in respect of proceedings instituted by him in the execution of his duty.

(4) In default of the payment of any fees by the person by whom they are payable in the first instance, the amount shall be recoverable as a debt due to the Crown.

(5) A table of all fees payable shall be kept in the office of every court, and shall be made available for inspection by any person on request.

Compare: 1927 No 37 ss 378(2), 379, 380, 383(2)

Section 207(2): amended, on 30 June 1998, by section 53 of the Summary Proceedings Amendment Act (No 2) 1998 (1998 No 77).

Section 207(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

Section 207(3): amended, on 1 July 1991, by section 21 of the Weights and Measures Amendment Act 1991 (1991 No 9).

Section 207(3): amended, on 1 November 1987, by section 13 of the Summary Proceedings Amendment Act 1987 (1987 No 165).

208 Payment of money to department

(1) This section applies to—

(a) all court fees, fines, reparation, costs, and other money payable on a charge or complaint or on any conviction or order made by a court; and

(b) any sum levied by or paid to any constable or a bailiff under any warrant.

(2) A sum referred to in subsection (1) must be paid in the first instance in any of the following ways:

(a) to any Registrar; or

(b) to any person nominated by the chief executive of the department for the time being responsible for the administration of this Act as a person who may receive payments under this section; or

(c) into any trust account administered for the purpose by the department for the time being responsible for the administration of this Act.

(3) Any sum received under this section by any Registrar or person nominated under subsection (2)(b) must be paid by him or her into a trust account administered by the department for the time being responsible for the administration of this Act, where it may be held until it is paid—

(a) to any person who is entitled to it under any enactment or by any order of the court made under an enactment; or

(b) into another Departmental Bank Account or a Crown Bank Account, in accordance with the Public Finance Act 1989.

Section 208: replaced, on 9 October 2006, by section 29 of the Summary Proceedings Amendment Act 2006 (2006 No 13).

Section 208(1)(a): amended, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Section 208(1)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

209 Act not to apply to Youth Court unless provided

[Repealed]

Section 209: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

209A Chief executive of Ministry of Justice may approve forms

(1) The chief executive of the Ministry of Justice may approve and issue forms that the chief executive considers necessary for the purposes of this Act, not being forms required to be prescribed by regulations made under this Act.

(2) Without limiting subsection (1),—

(a) more than 1 form may be approved and issued in relation to the same matter; and

(b) a form may be described by any name that the chief executive considers appropriate even though it relates to a matter that is described by a different name under this Act, so long as the form refers to the appropriate provision of this Act.

(3) Every document purporting to be a form approved and issued by the chief executive under and for the purposes of this Act is deemed to have been so approved and issued unless the chief executive otherwise certifies.

Section 209A: inserted, on 13 February 2012, by section 44 of the Summary Proceedings Amendment Act 2011 (2011 No 32).

210 Saving of provisions of Customs Act 1913

[Repealed]

Section 210: repealed, on 1 January 1967, by section 311(1) of the Customs Act 1966 (1966 No 19).

211 Rules for proceedings on appeal

[Repealed]

Section 211: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

212 Rules and regulations

(1) The Governor-General may from time to time, by Order in Council, make all such rules or regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof (not being rules regulating the practice and procedure in appeals to the High Court).

(2) Without limiting the general power to make rules and regulations conferred by this section, rules or regulations may be made under this section—

(a) prescribing the forms to be used in respect of any proceedings to which this Act applies:

(b) prescribing the court fees to be paid in respect of any proceedings or any processes to which this Act applies:

(c) prescribing the fees and charges to be paid for the purposes of this Act:

(d) providing for documents to be sent in electronic form under section 24(1)(e) or 79A(1)(c), including (without limitation) provisions for the retention of records that evidence the fact that, and the date and time when, such documents were sent to electronic addresses:

(e) specifying, for the purposes of section 79A(1)(d), the kinds of documents that may be served by communicating their contents orally, and prescribing any conditions and restrictions for such communications and the ways in which such communications must be made, including any provisions for the recording of such communications and for the retention, custody, disclosure, use, and destruction of such recordings:

(f) prescribing, for the purposes of sections 24(1)(f) and 79A(1)(e), a means by which documents may be served:

(g) prescribing requirements or other matters in relation to the provision of particulars of reminder notices in electronic form under section 21,

and any matters in relation to the verification or processing of those particulars:

(h) regulating the searching of records of 1 or more of the following:

(i) particulars of reminder notices provided under section 21:

(ii) the results of any verification processes undertaken under section 21:

(iii) reminder notices deemed to have been filed and orders deemed to have been made under section 21:

(iv) notices of hearings filed under section 21:

(v) applications filed under section 78B:

(vi) any matter related to the items in subparagraphs (i) to (v):

(i) providing for any other matters in respect of which rules or regulations are contemplated under this Act.

(3) Rules and regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) *[Repealed]*

Compare: 1927 No 37 s 378(1); 1948 No 20 ss 2(5), 11

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 212(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 212(2): replaced, on 14 November 2018, by section 88 of the Courts Matters Act 2018 (2018 No 50).

Section 212(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 212(3): repealed, on 19 December 1989, by section 11 of the Regulations (Disallowance) Act 1989 (1989 No 143).

213 Consequential amendments

[Repealed]

Section 213: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

214 Repeals and savings

[Repealed]

Section 214: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Schedule 1
Indictable offences triable summarily by District Court Judges

[Repealed]

s 6

Schedule 1: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Schedule 1
Transitional, savings, and related provisions

s 2A

Schedule 1: inserted, on 14 November 2018, by section 89 of the Courts Matters Act 2018 (2018 No 50).

Part 1
Provision relating to Part 3 of Courts Matters Act 2018

The provisions of Part 3 of the principal Act (as amended by Part 3 of the Courts Matters Act 2018) apply in respect of—

(a) any fine or amount owing, whether imposed or arising before, on, or after the commencement of this schedule:

(b) any arrangement to extend the time to pay a fine, whether entered before, on, or after the commencement of this schedule:

(c) any attachment order imposed, whether before, on, or after the commencement of this schedule:

(d) any deduction order issued, whether before, on, or after the commencement of this schedule:

(e) any payment made by a bank or any other financial institution under an attachment order, a deduction order, or any voluntary payment arrangement entered into under section 86 or 86C, whether the payment is made before, on, or after the commencement of this schedule.

Schedule 2
Forms of information

[Repealed]

Schedule 2: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Schedule 2A
Modifications of Part 4 where appeal is from District Court presided over by Community Magistrate or Community Magistrates to District Court presided over by District Court Judge

[Repealed]

s 114A(3)

Schedule 2A: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Schedule 3
Enactments amended

[Repealed]

s 213

Schedule 3: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Schedule 4
Enactments repealed

[Repealed]

s 214(1)

Schedule 4: repealed, on 1 July 2013, by section 7(2) of the Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94).

Summary Proceedings Amendment Act (No 2) 2010

Public Act	2010 No 121
Date of assent	29 October 2010
Commencement	see section 2

1 Title

This Act is the Summary Proceedings Amendment Act (No 2) 2010.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Summary Proceedings Act 1957.

5 Criminal process not to be held null or invalid

(1) Nothing done in any court at any time on or after 26 June 2008 and before the date on which this Act comes into force in respect of an offence against section 223(d), 241(c), or 247(c) of the Crimes Act 1961 is a nullity or otherwise invalid only because, at the time it was done, section 223(d), 241(c), or 247(c) (as the case may be) was not referred to in Part 1 of Schedule 1 of the Summary Proceedings Act 1957.

(2) Nothing done in any court at any time on or after 26 June 2008 and before the date on which this Act comes into force in respect of an offence against section 223(d), 241(c), or 247(c) of the Crimes Act 1961 is a nullity or otherwise invalid only because of the operation of section 4 of this Act.

6 Section 5 not to apply to certain legal proceedings

Section 5 does not apply to the following legal proceedings:

(a) any appeal from the decision in *NZ Police v Selwen* (District Court, Hamilton, CRI 2010-019-003388, 21 June 2010, Marshall DCJ); or

(b) any other legal proceedings that expressly challenge the validity of a conviction for an offence against section 223(d), 241(c), or 247(c) of the Crimes Act 1961 on the ground that that provision was not referred to in Part 1 of Schedule 1 of the Summary Proceedings Act 1957 at the date of that conviction, if those proceedings were commenced, and contained that ground, before the date on which this Act receives the Royal assent.

Crimes Amendment Act (No 3) 2011

Public Act	2011 No 79
Date of assent	19 September 2011
Commencement	see section 2

1 Title

This Act is the Crimes Amendment Act (No 3) 2011.

2 Commencement

This Act comes into force 6 months after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Crimes Act 1961.

Part 2
Amendments to other enactments and transitional provision

12 Transitional provision

(1) The amendments and repeals made by this Act do not apply to any offence committed or alleged to have been committed (in whole or in part) before the commencement of this Act and the principal Act as in force before the commencement of this Act continues to apply to any such offence.

(2) Section 414 of the principal Act has effect (with any necessary modifications) if the date on which the offence was committed cannot be established with sufficient certainty.

Notes

1 General

This is a consolidation of the Summary Proceedings Act 1957 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Crimes Amendment Act 2026 (2026 No 50): section 40

Arms Act 2026 (2026 No 47): section 394

Hauraki Gulf / Tīkapa Moana Marine Protection Act 2025 (2025 No 54): section 78

Local Government (Water Services) (Repeals and Amendments) Act 2025 (2025 No 43): section 172

Customer and Product Data Act 2025 (2025 No 14): section 153

European Union Free Trade Agreement Legislation Amendment Act 2024 (2024 No 10): section 87

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Land Transport (Road Safety) Amendment Act 2023 (2023 No 62): Part 2 subpart 2

Worker Protection (Migrant and Other Employees) Act 2023 (2023 No 36): section 15

Self-contained Motor Vehicles Legislation Act 2023 (2023 No 24): section 58

Organic Products and Production Act 2023 (2023 No 14): section 166

Civil Aviation Act 2023 (2023 No 10): section 486

Data and Statistics Act 2022 (2022 No 39): section 106

Incorporated Societies Act 2022 (2022 No 12): section 270(1)

Crown Minerals (Decommissioning and Other Matters) Amendment Act 2021 (2021 No 53): section 29

COVID-19 Public Health Response Amendment Act 2021 (2021 No 48): Part 2

Reserve Bank of New Zealand Act 2021 (2021 No 31): section 300(1)

Secondary Legislation Act 2021 (2021 No 7): section 3

Smokefree Environments and Regulated Products (Vaping) Amendment Act 2020 (2020 No 62): section 30

Residential Tenancies Amendment Act 2020 (2020 No 59): section 82

Privacy Act 2020 (2020 No 31): section 217

Climate Change Response (Emissions Trading Reform) Amendment Act 2020 (2020 No 22): section 279

Smoke-free Environments (Prohibiting Smoking in Motor Vehicles Carrying Children) Amendment Act 2020 (2020 No 19): section 11

Statutes Amendment Act 2019 (2019 No 56): Part 43

Conservation (Infringement System) Act 2018 (2018 No 61): Part 9

Courts Matters Act 2018 (2018 No 50): Part 3

Social Security Act 2018 (2018 No 32): section 459

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Food Safety Law Reform Act 2018 (2018 No 3): section 253

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

Outer Space and High-altitude Activities Act 2017 (2017 No 29): section 91

Fire and Emergency New Zealand Act 2017 (2017 No 17): section 197

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

Senior Courts Act 2016 (2016 No 48): section 183(c)

Employment Relations Amendment Act 2016 (2016 No 9): section 39

Hazardous Substances and New Organisms Amendment Act 2015 (2015 No 72): section 55

Health and Safety at Work Act 2015 (2015 No 70): section 232

Summary Proceedings Amendment Act 2015 (2015 No 35)

Credit Contracts and Consumer Finance Amendment Act 2014 (2014 No 33): section 82

Fair Trading Amendment Act 2013 (2013 No 143): section 30

Financial Reporting (Amendments to Other Enactments) Act 2013 (2013 No 102): section 126

Administration of Community Sentences and Orders Act 2013 (2013 No 88): section 60

Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70): section 150

Bail Amendment Act 2013 (2013 No 66): section 45

Psychoactive Substances Act 2013 (2013 No 53): section 110(1)

Search and Surveillance Act 2012 (2012 No 24): section 337

Summary Proceedings Amendment Act (No 2) 2011 (2011 No 94)

Criminal Procedure Act 2011 (2011 No 81): section 393

Summary Proceedings Amendment Act 2011 (2011 No 32)

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Summary Proceedings (Vehicle Seizure) Amendment Act 2009 (2009 No 38)

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 130(1)

Summary Proceedings Amendment Act (No 2) 2008 (2008 No 41)

Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74): section 185

Gas Amendment Act 2006 (2006 No 71): section 18

Electricity Amendment Act 2006 (2006 No 70): section 43

Evidence Act 2006 (2006 No 69): section 215

Summary Proceedings Amendment Act 2006 (2006 No 13)

Corrections Act 2004 (2004 No 50): section 206

Summary Proceedings Amendment Act 2004 (2004 No 47)

Crown Organisations (Criminal Liability) Act 2002 (2002 No 37): section 29(1)

Sentencing Act 2002 (2002 No 9): section 186

Government Superannuation Fund Amendment Act 2001 (2001 No 47): section 40

Bail Act 2000 (2000 No 38): section 74(2)

Extradition Act 1999 (1999 No 55): section 111

Biosecurity Amendment Act 1999 (1999 No 29): section 6

Land Transport Act 1998 (1998 No 110): section 215(1)

Employment Services and Income Support (Integrated Administration) Act 1998 (1998 No 96): section 11

Summary Proceedings Amendment Act (No 3) 1998 (1998 No 91)

Summary Proceedings Amendment Act (No 2) 1998 (1998 No 77)

Dog Control Act 1996 (1996 No 13): section 79

Summary Proceedings Amendment Act 1995 (1995 No 64)

Government Superannuation Fund Amendment Act 1995 (1995 No 28): section 31

Summary Proceedings Amendment Act 1994 (1994 No 161)

Summary Proceedings Amendment Act 1993 (1993 No 47)

Te Ture Whenua Maori Act 1993 (1993 No 4): section 362(2)

Weights and Measures Amendment Act 1991 (1991 No 9): section 21

Regulations (Disallowance) Act 1989 (1989 No 143): section 11

Summary Proceedings Amendment Act (No 2) 1987 (1987 No 172)

Summary Proceedings Amendment Act 1987 (1987 No 165)

Summary Proceedings Amendment Act (No 5) 1985 (1985 No 191)

Criminal Justice Act 1985 (1985 No 120): section 150(1)

District Courts Amendment Act 1979 (1979 No 125): section 18(2)

Judicature Amendment Act 1979 (1979 No 124): section 12

Costs in Criminal Cases Act 1967 (1967 No 129): section 14(2)

Customs Act 1966 (1966 No 19): section 311(1)

Summary Proceedings Amendment Act 1961 (1961 No 44)

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