

Summary Proceedings Amendment Act 2006

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Summary Proceedings Amendment Act 2006.

2 Commencement

- (1) This Act (except sections 4 to 41) comes into force on the day after the date on which this Act receives the Royal assent.
- (2) Sections 4, 5, 9 to 27, 28(1) and (3), 29, 30, 34 to 37, and 39 to 41 come into force on a date to be appointed by Order in Council; and 1 or more orders may be made bringing different provisions into force on different dates.
- (3) Any provision referred to in subsection (2) that has not earlier been brought into force comes into force on a day that is 6 months after the date that this Act receives the Royal assent.
- (4) Sections 6, 7, 8, 28(2), 31, 32, 33, and 38 come into force on 1 March 2007.

3 Principal Act amended

This Act amends the Summary Proceedings Act 1957.

4 Interpretation

Section 2(1) is amended by repealing paragraphs (f) to (g) of the definition of **infringement notice** and substituting the following paragraphs:

- “(f) section 66 of the Dog Control Act 1996; or
- “(g) section 139 of the Land Transport Act 1998; or
- “(h) section 260A of the Fisheries Act 1996; or
- “(i) section 162 of the Animal Welfare Act 1999; or
- “(j) section 357 of the Gambling Act 2003; or
- “(k) any provision of any other Act providing for the use of the infringement notice procedure under section 21”.

5 Summary procedure for infringement offences

- (1) Section 21(2) is amended by omitting “in the prescribed form containing” and substituting “that contains”.
- (2) Section 21 is amended by inserting the following subsection after subsection (2):

- “(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.”
- (3) Section 21(2A) is amended by omitting “the Land Transport Act 1998 is to be treated as containing substantially the same particulars as the relevant infringement notice under that Act” and substituting “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”.
- (4) Section 21(3) is amended by adding “and the full address at which the reminder notice was served”.
- (5) Section 21(3D) is amended by inserting “and the full address at which the reminder notice was served,” after “service of the reminder notice,”.

6 Summary procedure for infringement offences

- (1) Section 21(1)(b) is amended by omitting “filing in a Court a copy of a reminder notice, or a notice of hearing” and substituting “providing particulars of a reminder notice in accordance with subsections (4) and (4A), or by filing a notice of hearing in a Court”.
- (2) Section 21 is amended by repealing subsection (3) (as amended by section 5 of this Act) and substituting the following subsection:
- “(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 at the address specified in the notice; and

- “(ii) the informant has not received at that address a notice requesting a hearing in respect of the offence.”
- (3) Section 21(3A)(a) is amended by omitting “filed in a Court a copy of a reminder notice under subsection (3)” and substituting “provided particulars of a reminder notice under subsection (3), in accordance with subsections (4) and (4A)”.
- (4) Section 21 is amended by repealing subsection (3D) (as amended by section 5 of this Act) and substituting the following subsection:
- “(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 at the address specified in the notice.”
- (5) Section 21 is amended by repealing subsections (4), (5), and (5A) and substituting the following subsections:
- “(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, following the verification under subsection (4B) of particulars of a reminder notice provided under subsection (3), a reminder notice is deemed to have been filed in a Court within 6 months from the time when the offence is alleged to have been committed, an order is deemed to have been made in that Court (as if on the determination of an information in respect of the offence) that the defendant pay a fine equal to the amount of the infringement fee for the offence together with costs of the prescribed amount.
- “(5A) If, following the verification under subsection (4B) of particulars of a reminder notice provided under subsection (3D), a reminder notice is deemed to have been filed in a Court within 12 months from the time when the infringement offence is alleged to have been committed, an order is deemed to have been made in that Court (as if on the determination of an information 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).”

7 New section 21A inserted

The following section is inserted after section 21:

“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.”

8 Criminal Records

Section 71 is amended by inserting the following subsection after subsection (1A):

- “(1B) Subsection (1) does not apply in respect of proceedings commenced in the way described in section 21(3) or (3D).”

9 New section 78B substituted

Section 78B is repealed and the following section substituted:

“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, whether on the basis of a statutory declaration or evidence given before the Judge, 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 did not in fact receive the reminder notice, or 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
 - “(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.
- “(2) The Judge or, subject to subsections (3) and (4), the Registrar may do one 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 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) applies, 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).
- “(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.”

10 Further notice of fine

- (1) The heading to section 85 is amended by omitting “**Further**” and substituting “**Final**”.
- (2) Section 85(1) is amended by omitting “further” and substituting “final”.

11 New section 86B inserted

The following section is inserted after section 86A:

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

- “(1) A Registrar may vary, suspend, or cancel an arrangement extending the time to pay a fine, or an attachment order, if the Registrar has reason to believe that—
- “(a) the defendant has, for the purpose of entering into the arrangement, or in connection with the making of the attachment order, supplied false or misleading information about the defendant’s financial position; or
 - “(b) the defendant’s financial position has changed significantly since the date on which—
 - “(i) the arrangement was entered into; or
 - “(ii) the attachment order was made.
- “(2) A Registrar may vary, suspend, or cancel an arrangement extending the time to pay a fine if another fine that is not subject to the arrangement is imposed on the defendant and—
- “(a) the defendant agrees in writing to the variation, suspension, or cancellation 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 any agreement with the defendant as to how the subsequent fine is to be paid.
- “(3) A Registrar may vary, suspend, or cancel an attachment order, if another fine that is not subject to the attachment order is imposed on the defendant and the defendant defaults in the payment of the subsequent fine, and—
- “(a) the Registrar is unable to contact the defendant; or
 - “(b) the Registrar contacts the defendant, but is unable to reach any agreement with the defendant as to how the subsequent fine is to be paid.
- “(4) Before exercising the power in subsection (1) on the ground that subsection (1)(b) applies, the Registrar must consult with the chief executive of any appropriate government department or other government body that the Registrar has reasonable

grounds to believe has information that is relevant to the defendant's financial position.

- “(5) If subsection (1), (2)(b)(ii), or (3)(b) applies, before varying, suspending, or cancelling an arrangement extending the time to pay or the attachment order, as the case may be, the Registrar must—
- “(a) serve on the defendant a written notice—
 - “(i) setting out the action that the Registrar proposes to take and the reasons for the action; and
 - “(ii) indicating that the defendant may make a written submission to the Registrar as to why the Registrar should not take the proposed action and that this submission must be received by the Registrar within 10 working days after the date of the notice; and
 - “(b) consider any written submissions received from the defendant within the 10-working day period referred to in paragraph (a)(ii).
- “(6) A notice under subsection (5) is sufficiently served if—
- “(a) it is delivered to the defendant; or
 - “(b) it is sent to the defendant by ordinary post to the defendant's last known place of residence or business.
- “(7) The variation, suspension, or cancellation of an arrangement extending the time to pay takes effect,—
- “(a) where subsections (1) or (2)(b)(ii) apply,—
 - “(i) if no written submissions are received by the Registrar within the 10-working day period referred to in subsection (5)(b), on the expiry of that period; or
 - “(ii) if written submissions are received by the Registrar within the 10-working day period referred to in subsection (5)(b) and the Registrar decides to proceed with the proposed action, on a date specified by the Registrar in a further written notice served on the defendant; or
 - “(b) where subsection (2)(a) applies, on the date that the Registrar receives the written agreement of the defendant under that subsection; or

- “(c) where subsection (2)(b)(i) applies, on a date specified by the Registrar.
- “(8) If the Registrar suspends or cancels an attachment order in accordance with this section,—
- “(a) the Registrar must serve a notice of the suspension or cancellation on the employer to whom it relates; and the provisions relating to service in subsections (1) and (2) of section 104 apply with any necessary modifications; and
- “(b) the suspension or cancellation takes effect when the notice is served on the employer in accordance with this subsection.
- “(9) If the Registrar varies an attachment order under this section, the Registrar must issue a new attachment order under section 87 in place of the existing order.
- “(10) In this section and sections 87 and 87AA, **arrangement extending the time to pay a fine** means an arrangement that—
- “(a) provides for either or both of the following:
- “(i) allowing a defendant a greater time to pay a fine;
- “(ii) allowing a defendant to pay a fine by instalments; and
- “(b) is entered into by—
- “(i) a Registrar under section 86; or
- “(ii) a bailiff under section 86A (in which case the arrangement must have come into force in accordance with that section).”

12 New section 87 substituted

Section 87 is repealed and the following section substituted:

“87 Action where fine not paid or where arrangement or attachment order cancelled

- “(1) If the defendant defaults in the payment of any fine or a Registrar cancels an arrangement extending the time to pay a fine, or an attachment order, in accordance with section 86B, 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.
- “(2) Enforcement procedures commenced under this section must cease on payment of the unpaid amount of the fine.
- “(3) The powers conferred by this section may not be exercised by a Registrar who is a constable.”

13 Power to obtain information in respect of beneficiaries

- (1) Section 87AA(1)(a) is amended by inserting the following subparagraph after subparagraph (i):
 - “(ia) considering whether to vary, suspend, or cancel an arrangement extending the time to pay a fine or an attachment order under section 86B; or”.
- (2) Section 87AA(2) is amended by adding the following paragraphs:
 - “(e) the residential address and residential telephone number of the defendant:
 - “(f) the type of any benefit that is paid to the defendant:
 - “(g) the unique number assigned to any benefit that is paid to the defendant.”
- (3) Section 87AA is amended by inserting the following subsection after subsection (3):
 - “(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 notice under subsection (1).”

14 Publication of name of fines defaulter

Section 87A(2) is amended by omitting “a newspaper circulating in the area where the Court is located” and substituting “any newspaper”.

15 Deduction of fines

- (1) Section 87B(2) is amended by repealing paragraph (b) and substituting the following paragraphs:
 - “(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”.
- (2) Section 87B is amended by inserting the following subsection after subsection (2):
- “(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.”

16 Revocation of deduction notices

Section 87C is amended by repealing subsections (3) and (4).

17 Action where fine remains unpaid

- (1) Section 88 is amended by repealing subsections (1) to (2) and substituting the following subsections:
- “(1) This section applies if—
- “(a) the Registrar has taken enforcement action under section 87 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 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.
- “(2A) If the Registrar refers a matter to a District Court Judge or a Community Magistrate, the Registrar may order that the defendant be brought before the Judge or Community Magistrate.

- “(2B) For the purposes of subsection (2)(a) or subsection (2A) the Registrar may, if necessary, issue a warrant for the defendant’s arrest.
- “(2C) Without limiting any other provision of this Act, a warrant for the defendant’s arrest under subsection (2B) 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, and the following provisions apply in relation to every such warrant:
- “(a) information about a defendant that is so entered by the Registrar may be printed out by a sworn member of the police or a bailiff, and for all purposes constitutes a warrant for the arrest of the defendant:
 - “(b) the absence of any signature on the printout does not affect its validity as a warrant:
 - “(c) the warrant is valid for a period of 7 days beginning on the date of its printing, and the warrant then lapses:
 - “(d) at any time and from time to time after a warrant lapses under paragraph (c),—
 - “(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 sworn member of the police or a 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 every such printout constitutes a fresh warrant for the arrest of the defendant.
- “(2D) A warrant issued under this section may be executed by a sworn member of the police or by a bailiff.
- “(2E) If a defendant is arrested under a warrant issued for the purpose of subsection (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 46 of this Act and Part 3 of the Bail Act 2000 apply with any necessary modifications as if the appear-

ance 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, any member of the police or a bailiff may take the bail bond of the defendant and Parts 1 to 3 of the Bail Act 2000 apply with necessary modifications as if the bail bond were taken by a member of the police under section 21(1) of the Bail Act 2000.
- “(2F) If a defendant is arrested under a warrant issued for the purpose of subsection (2A), the following provisions apply:
- “(a) the defendant must be brought before a District Court Judge or a Community Magistrate or, if neither a District Court Judge nor a Community Magistrate is available, the Registrar:
 - “(b) where 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 a Community Magistrate:
 - “(c) the defendant is bailable as of right:
 - “(d) section 46 of this Act and Part 3 of the Bail Act 2000 apply with necessary modifications as if the appearance before the Registrar or a District Court Judge or a Community Magistrate constituted part of the hearing of a charge:
 - “(e) if the defendant cannot practicably be brought immediately before a District Court Judge or a Community Magistrate or the Registrar, any member of the police or a bailiff may take the bail bond of the defendant and Parts 1 to 3 of the Bail Act 2000 apply with necessary modifications as if the bail bond were taken by a member of the police under section 21(1) of the Bail Act 2000.
- “(2G) If a defendant is brought before a Registrar under subsection (2)(a), the Registrar may examine the defendant as to his or her financial position and may—
- “(a) invoke one or more of the enforcement actions in section 87; 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) or (b) will be effective, refer the defendant to a District Court Judge or a Community Magistrate with a report on the case, in which case subsections (2A) to (2D) and subsection (2F) apply.”
- (2) Section 88(3)(c) is amended by omitting “56 to 77” and substituting “55 to 80”.
 - (3) Section 88(3) is amended by repealing paragraph (fa) and substituting the following paragraph:
 - “(fa) if the amount that the defendant owes in respect of 1 unpaid fine, or in total in respect of more than 1 unpaid fine, is \$5,000 or more, refer the matter to the Registrar with a direction that action be taken under section 96A of the District Courts Act 1947 in relation to 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”.
 - (4) Section 88(3)(fb) of the principal Act is amended by inserting “or Community Magistrate” after “Judge”.

18 Remission of fine

Section 88B is amended by adding the following subsection as subsection (2):

- “(2) The Registrar may make an order remitting any fine imposed by, or resulting from the enforcement of, an order deemed to have been made, or made, under section 21(5), (5A), or (9) if the Registrar is satisfied that the defendant is dead and that the fine cannot be recovered from the defendant’s estate.”

19 Defendant on substituted sentence to be discharged on payment of fine

Section 91 is amended by repealing subsection (4).

20 Warrant to seize property

- (1) Section 93 is amended by adding the following subsection:

- “(3) Without limiting any other provision of this Act, 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, and the following provisions apply in relation to every such warrant:
- “(a) information about a defendant that is so entered by the Registrar may be printed out by a sworn member of the police or a bailiff, and for all purposes constitutes a warrant to seize property:
 - “(b) the absence of any signature on the printout does not affect its validity as a warrant:
 - “(c) the warrant is valid for a period of 28 days beginning on the date of its printing, and the warrant then lapses:
 - “(d) at any time and from time to time after a warrant lapses under paragraph (c),—
 - “(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 sworn member of the police or a 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 every such printout constitutes a fresh warrant to seize property.”
- (2) Section 39(3) of the Police Act 1958 is consequentially amended by omitting “section 88(1A)” and substituting “section 88 or section 93”.

21 Seizure and delivery of property

Section 94(5) is amended by omitting “who shall retain the property” and substituting “or to any person or place specified for the purpose by the Registrar, and the Registrar must ensure that the property is retained”.

22 Power to obtain information in respect of employers

(1) Section 104A is amended by repealing subsection (1) and substituting the following subsections:

“(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, by notice in writing, 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) Section 104A(2) is amended by omitting “subsection (1)” and substituting “subsection (1A)”.

(3) Section 104A is amended by adding the following subsection:

“(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 notice under subsection (1A).”

23 Liability of employer

Section 106(1)(b) is amended by omitting “the Registrar specified in the attachment order” and substituting “a person, or into a trust account, in accordance with section 208”.

24 Wrongful treatment of employee

(1) Section 106A is amended by repealing subsection (1) and substituting the following subsection:

“(1) Every employer commits an offence and is liable on summary 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 or has been made in respect of the employee.”
- (2) Section 106A(2) is amended by—
- (a) omitting “within 6 months after the serving on the employer of an attachment order in respect of any employee” and substituting “within the period referred to in subsection (3)”; and
 - (b) by omitting “order having been served on the employer” and substituting “circumstances referred to in subsection (1)(a) or (b) or (c)”.
- (3) Section 106A is amended by adding the following subsections:
- “(3) The period is 6 months after, as the case may be,—
- “(a) the employer becomes aware that the employee has been ordered to pay 1 or more fines; or
 - “(b) the employer is served with an attachment order in respect of the employee; or
 - “(c) the employer becomes aware that an attachment order is being made or has been made in respect of the employee.
- “(4) Nothing in this section affects the employer’s right to take disciplinary action against the employee for breaching a condition of the employee’s employment that relates to—
- “(a) the commission of an offence; or
 - “(b) the failure to pay any fine in full before enforcement action is due.”

25 Restriction on imprisonment

Section 106E(4) is amended by omitting “88(2)” and substituting “88(2F)”.

26 Provisions as to issue of warrants pending appeal

Section 124(5) is amended by omitting “warrant of distress” and substituting “warrant to seize”.

27 No action against Justice unless act in excess of jurisdiction or without jurisdiction

Section 193(2) is amended by omitting “warrant of distress or” and substituting “warrant to seize or warrant”.

28 Acts not generally to be done on Sunday

(1) Section 203(2) is amended by adding the following paragraphs:

“(l) a Registrar or bailiff or constable may exercise any power, duty, or function conferred on him or her under Part 3, or under any regulations made under this Act as far as they relate to Part 3:

“(m) any fine or any other money payable on any conviction or order made by a Court may be paid, or may be accepted by any person authorised to accept that payment:

“(n) any act necessary to give effect to a direction under section 88(3)(fa):

“(o) any other act specified in regulations made under this Act as an act that can be done on Sunday.”

(2) Section 203(2) is amended by inserting the following paragraph after paragraph (n) (as added by subsection (1) of this section):

“(na) an informant may provide particulars of a reminder notice under section 21:”.

(3) Section 203 is amended by repealing subsection (3) and substituting the following subsection:

“(3) No act done on a Sunday in breach of the provisions of subsection (1) is invalidated solely on the ground that it was done on a Sunday.”

29 New section 208 substituted

Section 208 is repealed and the following section substituted:

“208 Payment of money to department

“(1) This section applies to—

“(a) all Court fees, fines, reparation, costs, and other money payable on an information or complaint or on any conviction or order made by a Court; and

“(b) any sum levied by or paid to any member of the police 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.”

30 Rules and regulations

- (1) Section 212(2)(b) is amended by inserting “or any processes” after “any proceedings”.
- (2) Section 212(2) is amended by inserting the following paragraphs after paragraph (d):
- “(da) 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:
 - “(db) 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 related matter.”.

Amendments to other Acts

31 Amendment to Biosecurity Act 1993

Section 159A of the Biosecurity Act 1993 is amended by omitting subsections (6) to (8) and substituting the following subsections:

- “(6) The Ministry may provide particulars of an infringement notice in accordance with section 21(4) and (4A) of the Summary Proceedings Act 1957, after a period of 14 days from the date of service of the infringement notice, or a copy of the infringement notice, if—
 - “(a) the infringement fee for the offence has not by then been paid to the Ministry at the address specified in the notice (or immediately under subsection (5)); and
 - “(b) the Ministry has not by then received at that address a notice requesting a hearing in respect of that offence.
- “(7) If an infringement notice has been issued and served under this section, the Summary Proceedings Act 1957 applies as if that notice were a reminder notice served under section 21(2) of that Act, and the provisions of that Act apply, with all necessary modifications, to the alleged offence as if—
 - “(a) the reference in section 21(1)(b) to providing particulars of a reminder notice under that section were a reference to providing particulars of the infringement notice under subsection (6) of this section; and
 - “(b) subsection (6) of this section were in the place of section 21(3); and
 - “(c) the reference in section 21(3A) to the particulars of a reminder notice not having been provided under section 21(3) were a reference to the particulars of the infringement notice not having been provided under subsection (6) of this section; and
 - “(d) every reference in section 21(4), (4A), and (4B) to particulars of a reminder notice were a reference to the particulars of an infringement notice and every reference to

- the contents of a reminder notice were a reference to the contents of an infringement notice; and
- “(e) the reference in section 21(4)(a) to parts of the reminder notice were a reference to parts of the infringement notice; and
 - “(f) the reference in section 21(4C) to particulars of a reminder notice were a reference to particulars of an infringement notice; and
 - “(g) the reference in section 21(4C) to the reminder notice were a reference to the infringement notice; and
 - “(h) the reference in section 21(5) to the verification of particulars of a reminder notice provided under section 21(3) were a reference to the verification of particulars of an infringement notice provided under subsection (6) of this section; and
 - “(i) the reference in section 21(6)(b) and in section 21(10)(a) to a period of 28 days after the service of a reminder notice were a reference to the period of 14 days after the service of the infringement notice; and
 - “(j) each reference in section 21A and section 78B to a reminder notice were a reference to an infringement notice and each reference in section 21A and section 78B to the reminder notice were a reference to the infringement notice; and
 - “(k) the references to reminder notices in the definition of **defendant** in section 2(1), and in section 212, and in any other relevant provisions of that Act or regulations made under that Act, were references to the infringement notice.”

32 Amendments to Civil Aviation Act 1990

- (1) Section 65D(3) of the Civil Aviation Act 1990 is amended by repealing paragraph (a) and substituting the following paragraph:
 - “(a) a copy of the infringement notice is filed or particulars of the infringement notice are provided under section 65S(1); or”.
- (2) Section 65S of the Civil Aviation Act 1990 is amended by repealing subsections (1) to (3) and substituting the following subsections:

- “(1) The Director, or a person authorised by the Director, may provide particulars of an infringement notice issued under section 65P, in accordance with section 21(4) and (4A) of the Summary Proceedings Act 1957, after a period of 14 days from the date of service of the infringement notice, or a copy of the infringement notice, if—
- “(a) the infringement fee for the offence has not by then been paid to the Director as specified in the notice; and
 - “(b) the Director has not by then received at the address specified in the notice a notice requesting a hearing in respect of that offence.
- “(2) If an infringement notice under section 65P has been issued and served under this section, the Summary Proceedings Act 1957 applies as if that notice were a reminder notice served under section 21(2) of that Act, and the provisions of that Act apply, with all necessary modifications, to the alleged offence as if—
- “(a) the reference in section 21(1)(b) to providing particulars of a reminder notice under that section were a reference to providing particulars of the infringement notice under subsection (1) of this section; and
 - “(b) subsection (1) of this section were in the place of section 21(3); and
 - “(c) the reference in section 21(3A) to the particulars of a reminder notice not having been provided under section 21(3) were a reference to the particulars of the infringement notice not having been provided under subsection (1) of this section; and
 - “(d) every reference in section 21(4), (4A), and (4B) to particulars of a reminder notice were a reference to the particulars of an infringement notice and every reference to the contents of a reminder notice were a reference to the contents of an infringement notice; and
 - “(e) the reference in section 21(4)(a) to parts of the reminder notice were a reference to parts of the infringement notice; and
 - “(f) the reference in section 21(4C) to particulars of a reminder notice were a reference to particulars of an infringement notice; and

- “(g) the reference in section 21(4C) to the reminder notice were a reference to the infringement notice; and
- “(h) the reference in section 21(5) to the verification of particulars of a reminder notice provided under section 21(3) were a reference to the verification of particulars of an infringement notice provided under subsection (1) of this section; and
- “(i) the reference in section 21(6)(b) and in section 21(10)(a) to a period of 28 days after the service of a reminder notice were a reference to the period of 14 days after the service of the infringement notice; and
- “(j) each reference in section 21A and section 78B to a reminder notice were a reference to an infringement notice and each reference in section 21A and section 78B to the reminder notice were a reference to the infringement notice; and
- “(k) the references to reminder notices in the definition of **defendant** in section 2, and in section 212, and in any other relevant provisions of that Act or in any regulations made under that Act, were references to the infringement notice.”

33 Amendment to Fisheries Act 1996

Section 255A(1) of the Fisheries Act 1996 is amended by repealing paragraph (b) and substituting the following paragraph:

- “(b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a Court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months from the time when the offence is alleged to have been committed; or”.

34 Amendment to Gambling Act 2003

The Gambling Act 2003 is amended by repealing section 358 and substituting the following section:

“358 Reminder notices

- “(1) A form of reminder notice may be prescribed by regulations made under this Act.

- “(2) Different forms of reminder notices may be prescribed for different kinds of infringement offences.
- “(3) If a form of reminder notice is prescribed under this Act, it must contain the information set out in section 357(4).”

35 Amendment to Land Transport Act 1998

Section 140(1) of the Land Transport Act 1998 is amended by omitting “may be in a form prescribed by regulations made under this Act or by regulations made under the Summary Proceedings Act 1957, but, if the form is prescribed under this Act, the reminder notice” and substituting “must be in the form prescribed by regulations made under this Act, and”.

36 Amendments to Resource Management Act 1991

- (1) Section 343C of the Resource Management Act 1991 is amended by repealing subsection (4) and substituting the following subsection:
- “(4) If an infringement notice has been issued under this section,—
- “(a) a reminder notice must be in the form prescribed under this Act; and
- “(b) proceedings in respect of the offence to which the infringement notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and the provisions of that section apply with all necessary modifications.”
- (2) Section 360(1) of the Resource Management Act 1991 is amended by inserting, after paragraph (bb), the following paragraph:
- “(bc) prescribing forms of reminder notices to be used in respect of infringement offences against this Act.”

37 Amendments to Social Security Act 1964

- (1) Section 126A(1) of the Social Security Act 1964 is amended by adding to paragraph (a) of the definition of **fine** “, or an amount of reparation as defined in section 145D of the Sentencing Act 2002”.

- (2) Section 126A(1) of the Social Security Act 1964 is amended by inserting the following paragraph after paragraph (a) of the definition of **fine**:
- “(ab) a fine to which any of sections 43 to 46 of the Misuse of Drugs Amendment Act 1978 applies.”.

38 Amendment to Transport Act 1962

Section 43A(2) of the Transport Act 1962 is amended by inserting “or the provision of particulars of a reminder notice under section 21 of that Act” after “filing of a copy of a reminder notice under section 21(5) of the Summary Proceedings Act 1957”.

Transitional and savings provisions

39 Transitional provision relating to filing of reminder notices

- (1) Until the expiry of a period of 6 months after the date that section 6 of this Act comes into force or until any later date that may from time to time be fixed by the chief executive of the Ministry of Justice by notice in the *Gazette*,—
- (a) an informant who wishes to take action under section 21(3) or (3D) of the principal Act may—
- (i) provide particulars of the reminder notice in accordance with section 21 of the principal Act as amended by section 6 of this Act; or
 - (ii) file a copy of the reminder notice in accordance with section 21 of the principal Act (as amended by section 5 of this Act, but as it was immediately before section 6 of this Act came into force):
- (b) an informant who, before the commencement of sections 31 and 32 of this Act, was authorised, under section 159A of the Biosecurity Act 1993 or section 65S of the Civil Aviation Act 1990, to file a copy of an infringement notice in a Court for the purposes of section 21 of the principal Act, may—
- (i) provide particulars of the infringement notice in accordance with section 21 of the principal Act (as amended by section 6 of this Act) and as

- modified by section 65S of the Civil Aviation Act 1990 or section 159A of the Biosecurity Act 1993, as the case requires (as they read on and after the commencement of sections 31 and 32 of this Act); or
- (ii) file a copy of the infringement notice in accordance with section 21 of the principal Act (as amended by section 5 of this Act, but as it was immediately before section 6 of this Act comes into force) and as modified by section 65S of the Civil Aviation Act 1990 or section 159A of the Biosecurity Act 1993, as the case requires (as they read immediately before the commencement of sections 31 and 32 of this Act).
- (2) If for any reason 1 or more informants are unable to provide particulars of a reminder notice in accordance with section 21 of the principal Act (as amended by section 6 of this Act) or for any reason those particulars are unable to be received or verified under that provision, the chief executive of the Ministry of Justice may, by notice in the *Gazette*, direct that, during any period specified by the chief executive, any class of informant or all informants—
- (a) must take action under section 21(3) or (3D) of the principal Act by filing a copy of a reminder notice or infringement notice, as the case requires, under subsection (1)(a)(ii) or (b)(ii):
- (b) must not take action under section 21(3) or (3D) of the principal Act by providing particulars of a reminder notice or infringement notice in reliance on subsection (1)(a)(i) or (b)(i).
- (3) Subsection (1) is subject to subsection (2).

40 Transitional provision relating to warrants to arrest executed under section 88 of principal Act

If, on or after the date on which section 17 came into force, a person is arrested under a warrant issued under section 88 of the principal Act before that date, section 88 of the principal Act (as amended by section 17 of this Act) applies as if the warrant had been issued for the purpose of section 88(2)(a).

41 Transitional provision relating to seizure warrants in form of computer printout

- (1) Nothing in section 93(3) of the principal Act (as inserted by section 20 of this Act) applies in respect of any warrant to seize property that was issued before section 20 came into force.
- (2) Nothing in subsection (1) prevents a Registrar from cancelling any warrant to seize property that was issued before section 20 came into force and issuing a new warrant in its place.
- (3) A warrant to seize property referred to in section 93(1) of the principal Act may only be in the form of a computer printout of information held in a computer system in accordance with section 93(3), if that information was entered by a Registrar into that computer system on or after the date on which section 20 came into force.

Legislative history

14 May 2003	Introduction (Bill 41-1)
19 June 2003	First reading and referral to Law and Order Committee
26 July 2004	Reported from Law and Order Committee (Bill 41-2)
14 June 2005, 23 June 2005, 22	Committee of the whole House
March 2006, 28 March 2006	
30 March 2006	Third reading
28 March 2006	Divided from the Courts and Criminal Matters Bill (Bill 41-2) as Bill 41-3H
30 March 2006	Third reading
