

**Reprint  
as at 30 June 2002**



**Criminal Justice Regulations 1985**  
(SR 1985/232)

David Beattie, Governor-General

**Order in Council**

At the Government House at Wellington this 16th day of September  
1985

Present:  
His Excellency the Governor-General in Council

Pursuant to section 149 of the Criminal Justice Act 1985, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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**Note**

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

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

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

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## Regulations

### 1 Title and commencement

- (1) These regulations may be cited as the Criminal Justice Regulations 1985.
- (2) These regulations shall come into force on 1 October 1985.

### 2 Interpretation

In these regulations, the term **the Act** means the Criminal Justice Act 1985.

### 3 Forms prescribed

The forms in Schedule 1, or forms to the like effect, may be used, with such variations as the circumstances may require, in connection with proceedings under the Act.

**4 Obligations of persons subject to sentence of community service**

*[Revoked]*

Regulation 4: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**5 Orders for periodic detention**

*[Revoked]*

Regulation 5: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**5A Orders for other community-based sentences cumulative on sentences of imprisonment**

*[Revoked]*

Regulation 5A: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**6 Application of regulations 7, 8A, 8B, 8C, and 10**

*[Revoked]*

Regulation 6: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**7 Inmates to be informed of entitlement to release**

*[Revoked]*

Regulation 7: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**8 Period spent on remand to be taken as time served**

*[Revoked]*

Regulation 8: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**8A Determination of inmates' final release dates**

*[Revoked]*

Regulation 8A: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**8B Notification of final release date**

*[Revoked]*

Regulation 8B: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**8C Release of inmates**

*[Revoked]*

Regulation 8C: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**9 Fees of medical practitioners**

There shall be payable to every medical practitioner who gives a certificate for any of the purposes of Part 7 of the Act a fee in accordance with the scale prescribed by regulation 2 of the Mental Health (Medical Fees) Regulations 1992 (SR 1992/304).

Regulation 9: amended, on 1 November 1992, pursuant to regulation 10 of the Mental Health (Forms) Regulations 1992 (SR 1992/305).

**10 Transitional provision**

*[Revoked]*

Regulation 10: revoked, on 30 June 2002, by regulation 3 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**11 Revocations**

The regulations specified in Schedule 2 are hereby revoked.

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**Schedule 1**  
**Prescribed forms**

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Form 1

Summons to offender subject to an order to  
come up for sentence if called upon

*[Revoked]*

Schedule 1 form 1: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

Form 2

Warrant to arrest offender subject to an order to  
come up for sentence if called upon

*[Revoked]*

Schedule 1 form 2: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

## Form 2A

## Order for suspended sentence of imprisonment

*Section 21A, Criminal Justice Act 1985***To** *[full name, address, occupation]*

At a sitting of the *[name]* Court at *[place, date]* you were sentenced to a term of imprisonment of *[term]* for *[specify offence]*.

The court has made an order suspending the sentence for a period of *[specify term]* commencing on *[date]*.

Dated at *[name]* Court at *[place, date]*

Signature:

(Deputy) Registrar

**Notice:** If you are convicted of another offence while this sentence is suspended you are liable to serve this sentence in addition to any other sentence that may be imposed for the later offence.

Section 21A(4) of the Criminal Justice Act 1985 provides that where an offender who is subject to a suspended sentence of imprisonment is convicted of another offence punishable by imprisonment the court shall order that the suspended sentence take effect for the period specified in the order unless it would be unjust to do so in view of all the circumstances which have arisen since the suspended sentence was imposed, including the circumstances of any further offending.

Schedule 1 form 2A: inserted, on 1 September 1993, by regulation 5(1) of the Criminal Justice Regulations 1985, Amendment No 4 (SR 1993/254).

Form 2B  
Summons to offender subject to a suspended  
sentence of imprisonment

*Section 21A(8), Criminal Justice Act 1985*

**To** *[full name, address, occupation]*

On *[date]* you were convicted of *[specify offence]*.

You were sentenced for that offence to imprisonment for a term of *[specify term]* but the court made an order suspending the sentence of imprisonment for a period of *[specify term]* commencing on *[date]* (in this summons called the suspended sentence).

On *[date]* you were convicted of *[specify offence]*, an offence punishable by imprisonment (in this summons called the subsequent offence) and sentenced to *[specify term]*.

On *[date]* an application was made for an order that the suspended sentence take effect for the period specified in the order on the ground that the court sentencing you for the subsequent offence does not appear to have taken into account the existence of the suspended sentence.

You are summoned to appear on *[date]* at *[time]* at *[name]* Court at *[place]* to show cause why the suspended sentence should not take effect.

Dated at *[name]* Court at *[place, date]*

Signature:

(Deputy) Registrar

Schedule 1 form 2B: inserted, on 1 September 1993, by regulation 5(1) of the Criminal Justice Regulations 1985, Amendment No 4 (SR 1993/254).

Form 2C  
Warrant to arrest offender subject to a suspended  
sentence of imprisonment

*Section 21A(8), Criminal Justice Act 1985*

**To** every constable

On [date] [full name, address, occupation] (in this warrant called the offender) was convicted of [specify offence] and sentenced to imprisonment for a term of [specify term] but the court made an order suspending the sentence of imprisonment for a period of [specify term] commencing on [date] (in this warrant called the suspended sentence).

On [date] the offender was convicted of [specify offence], an offence punishable by imprisonment (in this warrant called the subsequent offence), and sentenced to [specify term].

On [date] an application was made for an order that the suspended sentence take effect for the period specified in the order on the ground that the court sentencing the offender for the subsequent offence does not appear to have taken into account the existence of the suspended sentence.

\*On [date] a summons was issued to the offender requiring the offender to appear in this court on [date] to show cause why the suspended sentence should not take effect, but the offender failed to appear before this court in answer to the summons.

You are hereby directed to arrest the offender and have the offender brought before this court to show cause why the suspended sentence should not take effect.

Dated at [name] Court at [place, date]

Signature:

Judge

\*Delete if inapplicable.

Schedule 1 form 2C: inserted, on 1 September 1993, by regulation 5(1) of the Criminal Justice Regulations 1985, Amendment No 4 (SR 1993/254).



**Form 3**  
**Attachment order**  
*[Revoked]*

Schedule 1 form 3: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 4**  
**Order for sentence of community service**  
*[Revoked]*

Schedule 1 form 4: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 5**  
**Order for sentence of periodic detention**  
*[Revoked]*

Schedule 1 form 5: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 6**  
**Order for sentence of supervision**  
*[Revoked]*

Schedule 1 form 6: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 7**  
**Order for sentence of a community programme**  
*[Revoked]*

Schedule 1 form 7: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 8**  
**Warrant to arrest offender**  
*[Revoked]*

Schedule 1 form 8: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 9**  
**Warrant of commitment for corrective training**  
*[Revoked]*

Schedule 1 form 9: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 10**  
**Warrant of commitment for imprisonment**  
*[Revoked]*

Schedule 1 form 10: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 11**  
**Warrant of commitment for preventive detention**  
*[Revoked]*

Schedule 1 form 11: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 11A**  
**Order for minimum period of imprisonment**  
*[Revoked]*

Schedule 1 form 11A: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 11B**  
**Release on licence**  
*[Revoked]*

Schedule 1 form 11B: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 12**  
**Warrant for confiscation of motor vehicle**  
*[Revoked]*

Schedule 1 form 12: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

**Form 13**  
**Application for recall of offender**  
*[Revoked]*

Schedule 1 form 13: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

Form 13A  
Notice to offender where application for recall  
made  
*[Revoked]*

Schedule 1 form 13A: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

Form 13B  
Warrant for return to prison of released offender  
following interim order for recall  
*[Revoked]*

Schedule 1 form 13B: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

Form 13C  
Warrant for return to prison of released offender  
following order for recall  
*[Revoked]*

Schedule 1 form 13C: revoked, on 30 June 2002, by regulation 4 of the Criminal Justice Amendment Regulations 2002 (SR 2002/180).

## Form 14

## Order for detention of person under disability

*Section 115, Criminal Justice Act 1985*

**To** every constable, and to the superintendent of the [name] hospital [Full name, address, occupation] (in this order called the defendant) was committed for trial for [specify offence] (or has appeared before the court for the (preliminary) hearing of an information for [specify offence]).

The court is satisfied that the defendant is under disability and (being satisfied by the medical evidence that the defendant is too ill to come to court) has (in the defendant's absence) directed a finding to that effect to be recorded.

The court (being satisfied, after hearing medical evidence, that it would be safe in the interests of the public to do so) has this day made an order that the defendant be detained in a hospital within the meaning of the Criminal Justice Act 1985 as a special (committed) patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Now therefore you, the said constables, are hereby directed to deliver the defendant to the superintendent of the [name] hospital.

And you, the said superintendent, are hereby directed to receive the defendant into your custody and to detain the defendant as a special (committed) patient in accordance with the Criminal Justice Act 1985 and the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Dated at [name] Court at [place, date]

Signature:

(Deputy) Registrar

Schedule 1 form 14: amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Form 15  
Order for detention of person acquitted on  
account of insanity

*Section 115, Criminal Justice Act 1985*

**To** every constable, and to the superintendent of the [*name*] hospital [*Full name, address, occupation*] (in this order called the patient) was, on trial on indictment for [*specify offence*] (or at the hearing before this court of an information for [*specify offence*]), acquitted on account of the patient's insanity.

The court (being satisfied, after hearing medical evidence, that it would be safe in the interests of the public to do so) has this day made an order that the patient be detained in a hospital within the meaning of the Criminal Justice Act 1985 as a special (committed) patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Now therefore you, the said constables, are hereby directed to deliver the patient to the superintendent of the [*name*] hospital.

And you, the said superintendent, are hereby directed to receive the patient into your custody and to detain the patient as a special (committed) patient in accordance with the Criminal Justice Act 1985 and the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Dated at [*name*] Court at [*place, date*]

Signature:

(Deputy) Registrar

Schedule 1 form 15: amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Form 16  
Order for person's detention in hospital  
following conviction

*Section 118, Criminal Justice Act 1985*

**To** every constable, and to the superintendent of the [name] hospital [Full name, address, occupation] (in this order called the offender) was convicted in the [name] Court at [place] of [specify offence].

The court, being satisfied by the production of a certificate by 2 medical practitioners that the offender was mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992, and that the offender's mental condition requires that the offender should be detained in a hospital in the offender's own interest (or for the safety of the public), this day made an order that the offender be detained in a hospital within the meaning of the Criminal Justice Act 1985 as a committed patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Now therefore you, the said constables, are hereby directed to deliver the offender to the superintendent of the [name] hospital.

And you, the said superintendent, are hereby directed to receive the offender into your custody and to detain the offender as a committed patient in accordance with the Criminal Justice Act 1985 and the Mental Health (Compulsory Assessment and Treatment) Act 1992.

Dated at [name] Court at [place, date]

Signature:

(Deputy) Registrar

Schedule 1 form 16: amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

Form 17  
Order for person's committal for psychiatric  
examination

*Section 121, Criminal Justice Act 1985*

To every constable, and to the superintendent of the [name] penal institution (or to the superintendent of the [name] hospital)

[Full name, address, occupation] (in this order called the defendant) is awaiting trial on (or awaiting the (preliminary) hearing of) (or being tried on) (or before the court for the (preliminary) hearing of) a charge of [specify charge] (or is awaiting sentence for [specify sentence]) (or has appealed against conviction for [specify offence]).

The court is satisfied that a psychiatric report would assist the court in determining if the defendant is under disability (or if the defendant is insane within the meaning of section 23 of the Crimes Act 1961) (or the type and length of any sentence that might be imposed) (or the nature of any requirement it may impose as part of, or as a condition of, any sentence or order).

A psychiatrist (or where no such specialist is available) another medical practitioner has certified (or given evidence to the effect) that a (further) psychiatric report cannot practicably be prepared unless the defendant is in custody.

\*The court is satisfied that remand to a penal institution would be inappropriate for the following reason(s): [specify]

The defendant is not bailable as of right, and would not have been bailed even if no psychiatric report had been required.

The court has this day made an order for the committal of the defendant to the [name] penal institution (or the [name] hospital) until [date] for the purposes of a psychiatric examination and report.

Now therefore you, the said constables, are hereby directed to deliver the defendant to the superintendent of the [name] penal institution (or to the superintendent of the [name] hospital).

And you, the said superintendent, are hereby directed to receive the defendant into your custody and to detain the defendant for the purpose of a psychiatric examination and report. (Unless the defendant is sooner returned to court, penal, or Police custody,) you are also directed to have the defendant brought before the [name] Court at [place, date, time].

Form 17—*continued*

Dated at [*name*] Court at [*place, date*]

Signature:

(Deputy) Registrar

\*Delete if inapplicable.

Schedule 1 form 17: amended, on 1 November 1992, pursuant to section 137(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).



Form 18  
Order for detention in psychiatric hospital  
pending trial

*Section 121, Criminal Justice Act 1985*

**To** every constable, and to the superintendent of the [name] hospital [Full name, address, occupation] (in this order called the defendant) is charged with [specify offence].

On [date] the [name] Court at [place] made an order committing the defendant to the [name] penal institution (or to the [name] hospital) for the purposes of a psychiatric examination and report.

The defendant having been brought before this court following that report, this court has this day ordered, with the consent of the defendant and of the superintendent of the [name] hospital, that the defendant be detained in that hospital pending the hearing (or trial).

Now therefore you, the said constables, are hereby directed to deliver the defendant to the superintendent of the [name] hospital.

And you, the said superintendent, are hereby directed to receive the defendant into your custody and to detain the defendant pending the hearing (or trial).

Dated at [name] Court at [place, date]

Signature:

(Deputy) Registrar

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**Schedule 2**  
**Regulations revoked**

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**Criminal Justice (Confiscation of Motor Vehicles) Regulations  
1977 (SR 1977/176)**

**Criminal Justice Regulations 1954 (SR 1954/239)**

**Criminal Justice Regulations 1954, Amendment No 1 (SR  
1963/92)**

**Criminal Justice Regulations 1954, Amendment No 2 (SR  
1970/44)**

**Criminal Justice Regulations 1954, Amendment No 3 (SR  
1972/211)**

**Criminal Justice Regulations 1954, Amendment No 4 (SR  
1981/4)**

**Criminal Justice Regulations 1954, Amendment No 5 (SR  
1981/77)**

P G Millen,  
Clerk of the Executive Council.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 19 September 1985.

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## **Contents**

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## **Notes**

### **1 *General***

This is a reprint of the Criminal Justice Regulations 1985. The reprint incorporates all the amendments to the regulations as at 30 June 2002, as specified in the list of amendments at the end of these notes.

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

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

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

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

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

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

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

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

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

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

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

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

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

Criminal Justice Amendment Regulations 2002 (SR 2002/180)

Criminal Justice Regulations 1985, Amendment No 4 (SR 1993/254)

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46): section 137(1)

Mental Health (Forms) Regulations 1992 (SR 1992/305): regulation 10

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