

**Reprint
as at 1 July 2013**



**Prostitution (Operator Certificate)
Regulations 2003**
(SR 2003/340)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 1st day of December 2003

Present:
The Right Hon Helen Clark presiding in Council

Pursuant to section 47 of the Prostitution Reform Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Application for operator certificate	2

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.

5	Photograph of applicant	3
6	Photocopy of official identification	3
7	Authentication of photograph and official identification	3
8	Operator certificate	4
9	Fees	4
10	GST included	4
	Schedule 1	5
	Forms	
	Schedule 2	9
	Fees	

Regulations

- 1 Title**
 These regulations are the Prostitution (Operator Certificate) Regulations 2003.
- 2 Commencement**
 These regulations come into force on 28 December 2003.
- 3 Interpretation**
- (1) In these regulations, unless the context otherwise requires,—
Act means the Prostitution Reform Act 2003
Registrar means the Registrar of the District Court at Auckland, or the Registrar of any other District Court identified in regulations made under the Act as the, or a, Registrar who may accept applications under section 35 of the Act.
- (2) Words and expressions defined in the Act and used in these regulations have the same meaning as in the Act.
- (3) In these regulations, a reference to a numbered form is a reference to a form so numbered in Schedule 1.
- 4 Application for operator certificate**
 Every application to the Registrar for a certificate under section 35 of the Act must be in form 1.

5 Photograph of applicant

- (1) An application in form 1 must be accompanied by a recent photograph of the applicant.
- (2) The photograph must be 40 mm wide and 50 mm high.
- (3) The photograph must be authenticated in accordance with regulation 7.

6 Photocopy of official identification

- (1) An application in form 1 must be accompanied by a photocopy of a form of official identification that contains a photograph of the applicant, such as a passport or driver licence.
- (2) The photocopy must be authenticated in accordance with regulation 7.

7 Authentication of photograph and official identification

- (1) The photograph required by regulation 5 and the photocopy required by regulation 6 are each to be authenticated by a person who is—
 - (a) a barrister or solicitor of the High Court of New Zealand; or
 - (b) a Registrar or Deputy Registrar of a District Court; or
 - (c) a Justice of the Peace; or
 - (d) a kaumatua; or
 - (e) a minister of religion; or
 - (f) a constable; or
 - (g) a registered medical professional.
- (2) That person must not be—
 - (a) a relative or part of the family group of the applicant; or
 - (b) a partner of the applicant; or
 - (c) a person who lives at the same address as the applicant; or
 - (d) the employer of the applicant.
- (3) In the case of the photograph required by regulation 5, the person authenticating the photograph—
 - (a) must certify on the application that the photograph is a true likeness of [full name], the applicant; and
 - (b) must certify on the back of the photograph “Certified true likeness of [full name of applicant]”; and

- (c) must, on the application, sign and date the certificate given pursuant to paragraph (a); and
 - (d) must, on the back of the photograph, sign and date the certificate given pursuant to paragraph (b).
- (4) In the case of the photocopy required by regulation 6, the person authenticating the photocopy—
- (a) must certify on both the application and the photocopy that the photocopy is “Certified to be a true copy of the original (which I have seen)”; and
 - (b) must, on both the photocopy and the application, sign and date the certificate given pursuant to paragraph (a).
- (5) The person authenticating the photograph or the photocopy must fill in in ink, in his or her own handwriting, the part of the application that relates to the authentication being given by that person.

Regulation 7(1)(f): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

8 Operator certificate

A certificate issued under section 35 of the Act must be in form 2.

9 Fees

- (1) The fees set out in Schedule 2 are prescribed as the fees payable in respect of the matters specified in that schedule.
- (2) The prescribed fees payable in respect of any application under section 35 or section 38(4) of the Act are payable on the filing of the application.

10 GST included

The fees prescribed by regulation 9 are inclusive of goods and services tax under the Goods and Services Tax Act 1985.

Schedule 1

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Forms

Form 1

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Application for operator certificate

Section 35, Prostitution Reform Act 2003

To the Registrar

I, the applicant whose details are given below, apply for a certificate under section 35 of the Prostitution Reform Act 2003.

The certificate that I am applying for is the certificate that must be held by every operator of a business of prostitution (other than a company).

1 Details of applicant

My surname or family name is:

My first name is:

My middle name(s) is:

My date of birth is:

My gender is (circle one): male / female

2 Any other names by which the applicant is, or ever has been, known

My alternative family name is:

My alternative first given name is:

My alternative middle name(s) is:

3 Is this the applicant's first application for a certificate?

(circle one): yes / no

If no, state your current or previous certificate number:

If you hold an order waiving a disqualification, state the number of the order made under section 37 of the Prostitution Reform Act 2003 and provide a copy of that order with this application:

4 Address of applicant to which certificate and any related correspondence is to be sent

Number and street:

Suburb:

City:

Postcode:

Form 1—*continued***5 Telephone number and email address of applicant**

My daytime telephone number is:

My email address is:

Note: Compliance with this paragraph is optional.

6 Photograph of applicant

I, the applicant, enclose a recent photograph of myself.

7 Authentication of photograph

The photograph complies with regulation 5 of the Prostitution (Operator Certificate) Regulations 2003, and has been authenticated by [*full name*].

This panel is to be filled in by the person authenticating the photograph.

Authentication of photograph

I, [*full name*] of [*home address*], certify that the enclosed photograph is a true likeness of [*full name*], the applicant, and that I have, in my own handwriting, signed and dated a certificate to that effect on the back of that photograph.

I am a (*circle one*):

barrister or solicitor of the High Court minister of religion

Registrar or Deputy Registrar of a District Court constable

kaumatua Justice of the Peace

registered medical professional

.....
Signature of person authenticating
photograph

.....
Date

Home phone number:

Work phone number:

8 Photocopy of form of official identification

I, the applicant, enclose a photocopy of a form of official identification that contains a photograph of myself.

Form 1—*continued*

9 Form of official identification of applicant

The form of official identification is (circle one):

passport / driver licence / other

The passport or driver licence number is:

If “other”, state what it is:

10 Authentication of photocopy of form of official identification

The photocopy of the form of official identification has been authenticated by [*full name*].

This panel is to be filled in by the person authenticating the photocopy of the form of official identification.

Authentication of photocopy of form of official identification

I, [*full name*] of [*home address*], certify that the enclosed photocopy of a form of official identification is a true copy of the original (which I have seen) and that I have, in my own handwriting, signed and dated a certificate to that effect on that photocopy.

I am a (*circle one*):

barrister or solicitor of the High Court minister of religion

Registrar or Deputy Registrar of a District Court constable

kaumatua Justice of the Peace

registered medical professional

.....
Signature of the person authenticating photocopy

.....
Date

Home phone number:

Work phone number:

11 Statement that information true and correct

The information given in this application is true and correct.

.....
Signature of applicant

.....
Date

Schedule 1 form 1: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Form 2
Operator certificate
(Front)

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Operator certificate	
<i>[insert photograph of operator]</i>	Expires <i>[dd/mm/yyyy]</i> Issued by the Registrar of the District Court at Auckland <i>[insert first name of operator]</i> <i>[insert second name of operator]</i> <i>[insert family name of operator]</i>
Certificate No <i>[insert number]</i>	Date of birth <i>[dd/mm/yyyy]</i>

(Back)

<p>This certificate is issued under section 35 of the Prostitution Reform Act 2003. Such a certificate must be held by every operator of a business of prostitution (other than a company).</p> <p>This certificate must be produced for inspection when requested by a constable.</p> <p>This certificate, if cancelled, must be returned to a District Court within 1 month of its cancellation.</p> <p>Application for renewal may be made within 2 months before the expiry of the certificate.</p>

Schedule 1 form 2: amended, on 1 October 2008, pursuant to section 116(a)(iii) of the Policing Act 2008 (2008 No 72).

Schedule 2
Fees

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1	On an application, under section 35 of the Act, for the issue of an operator certificate	250
2	On an application, under section 38(4) of the Act, for the issue of a replacement certificate	30

Schedule 2 item 1: amended, on 1 July 2013, by regulation 4(1) of the Prostitution (Operator Certificate) Amendment Regulations 2013 (SR 2013/221).

Schedule 2 item 2: amended, on 1 July 2013, by regulation 4(2) of the Prostitution (Operator Certificate) Amendment Regulations 2013 (SR 2013/221).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 4 December 2003.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Prostitution (Operator Certificate) Regulations 2003. The reprint incorporates all the amendments to the regulations as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

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)*

Prostitution (Operator Certificate) Amendment Regulations 2013 (SR 2013/221)

Policing Act 2008 (2008 No 72): section 116(a)(ii)
