



Criminal Proceedings (Enforcement of Fines) Rules 2011

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 31st day of October 2011

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 409 of the Crimes Act 1961 and section 51C of the Judicature Act 1908, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following rules.

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Rules

- 1 Title**

These rules are the Criminal Proceedings (Enforcement of Fines) Rules 2011.
- 2 Commencement**

These rules come into force on 13 February 2012.
- 3 Interpretation**

In these regulations, **High Court Rules** means the rules from time to time set out in Schedule 2 of the Judicature Act 1908 (as amended from time to time).
- 4 Sale orders under section 19(2) of Crimes Act 1961**

If the High Court makes a sale order in relation to real property under section 19(2) of the Crimes Act 1961, subpart 6 of Part 17 of the High Court Rules applies, with any necessary modifications, to the sale order to the extent that subpart 6 relates to real property.
- 5 Charging orders under section 19(2) of Crimes Act 1961**

If the High Court makes a sale order in relation to real property under section 19(2) of the Crimes Act 1961,—

 - (a) any charging order that the court may, under that section, make in relation to that property must be made before the sale order is executed; and
 - (b) subpart 5 of Part 17 of the High Court Rules applies, with any necessary modifications, to the charging order to the extent that subpart 5 relates to real property.
- 6 Revocation**

The Criminal Proceedings (Enforcement of Fines) Rules 1967 (SR 1967/176) are revoked.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the rules, but is intended to indicate their general effect.

These rules, which come into force on 13 February 2012, revoke and replace the Criminal Proceedings (Enforcement of Fines) Rules 1967. The enforcement of fines imposed by the High Court is now largely governed by Part 3 of the Summary Proceedings Act 1957.

These rules apply if, under section 19(2) of the Crimes Act 1961, the High Court makes a sale order or charging order in relation to an offender's real property.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 3 November 2011.

These rules are administered by the Ministry of Justice.
