



## Summary Proceedings Amendment Regulations 2013

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 212 of the Summary Proceedings Act 1957, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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## **Regulations**

- 1 Title**  
 These regulations are the Summary Proceedings Amendment Regulations 2013.
- 2 Commencement**  
 These regulations come into force on 1 July 2013.
- 3 Principal regulations**  
 These regulations amend the Summary Proceedings Regulations 1958 (the **principal regulations**).
- 4 Regulation 2 amended (Interpretation)**  
 In regulation 2, revoke the definitions of **court of hearing, deposition, examining court, examining Registrar, and information**.
- 5 Regulation 4 amended (Fees, allowances, and expenses)**  
 Revoke regulation 4(2).
- 6 Regulations 5 to 15A revoked**  
 Revoke regulations 5 to 15A.
- 7 Cross-heading above regulation 15B replaced**  
 Replace the cross-heading above regulation 15B with:

*“Infringement offences”.*

- 8 Regulation 15D amended (Certain court fees relating to infringement offences payable by local authorities, etc)**
- (1) In the heading to regulation 15D, replace “**Certain court fees**” with “**Court fee**”.
  - (2) In regulation 15D, replace “the court fees prescribed in Schedule 2 for filing a copy of a reminder notice, or” with “the court fee prescribed in Schedule 2 for”.
- 9 New cross-heading above regulation 15F inserted**  
After regulation 15E, insert:  
*“Enforcement of penalties”.*
- 10 Regulation 15M amended (Receipt for payment of fine, etc)**  
In regulation 15M(3), replace “an information or complaint” with “a charging document”.
- 11 Regulations 15N to 15P revoked**  
Revoke regulations 15N to 15P.
- 12 Schedule 1, form 10A amended**
- (1) In Schedule 1, form 10A, under the heading “**Notes to defendant**”, replace notes 1 and 2 with:
    - “1 Failure to attend may result in the case being dealt with in your absence.
    - “2 If the offence is proved, you may be ordered to pay costs in addition to any other penalty imposed.”
  - (2) In Schedule 1, form 10A, revoke the heading “**Notice of alibi**” and the paragraph below that heading.
- 13 Schedule 1, forms 3 to 9A, 11, 21, 21A, 22, 34 to 36, 38 to 48, 51 to 54, 56, and 60 to 62 revoked**  
In Schedule 1, revoke forms 3 to 9A, 11, 21, 21A, 22, 34 to 36, 38 to 48, 51 to 54, 56, and 60 to 62.

**14 Schedule 2 replaced**

Replace Schedule 2 with the Schedule 2 set out in Schedule 1 of these regulations.

**15 Consequential amendments to other regulations**

Amend the regulations specified in Schedule 2 as set out in that schedule.

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**Schedule 1**  
**Schedule 2 replaced**

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**Schedule 2**  
**Court fees**

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(1)	Providing particulars of a reminder notice in respect of an infringement offence where the reminder notice is deemed to have been filed in a court under section 21(4C) of the Act	30
(2)	For enforcement of a fine, in accordance with regulation 15K	102

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**Schedule 2**  
**Consequential amendments**

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**Extradition Regulations 1999 (SR 1999/238)**

In regulation 3(4), delete “and in the Summary Proceedings Regulations 1958”.

**International Criminal Court Regulations 2004 (SR 2004/80)**

In regulation 4(4), delete “and the Summary Proceedings Regulations 1958”.

**Sentencing Regulations 2002 (SR 2002/178)**

In the Schedule, form 11B, below the heading “**Right of review**”, delete “You may use form 61 of the Summary Proceedings Regulations 1958 as a guide on how to make your application. The Summary Proceedings Regulations 1958 are available online at [www.legislation.govt.nz](http://www.legislation.govt.nz).”.

**Summary Proceedings Regulations 1958, Amendment No 8  
(SR 1977/93)**

Revoke regulation 4(1)(b).

Rebecca Kitteridge,  
Clerk of the Executive Council.

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**Explanatory note**

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

These regulations, which come into force on 1 July 2013, amend the Summary Proceedings Regulations 1958 (the **principal regulations**). The amendments are needed to implement the new regime set out in the Criminal Procedure Act 2011. Many of the matters provided for in the principal regulations will in future be dealt with in new rules and regulations made under the Criminal Procedure Act 2011. These regulations revoke the regulations and forms in the principal regulations that are no longer required. The processes for dealing with infringement offences and fines enforcement continue to be set out in the Summary Proceedings Act 1957. Accordingly, the regulations and forms relating to those processes are retained in the principal regulations.

*Regulation 4* revokes certain defined terms that are no longer relevant to the regulations and forms that are being retained.

*Regulations 5, 6, and 11* revoke the regulations that are no longer required.

*Regulations 7 and 9* insert cross-headings into the principal regulations to group the remaining regulations according to the subjects to which they relate.

*Regulation 8* amends regulation 15D to omit references to a fee for filing a copy of a reminder notice, because that fee is no longer payable.

*Regulation 10* makes a consequential amendment to regulation 15M to update the terminology to reflect that used in the Criminal Procedure Act 2011.

*Regulation 12* makes a consequential amendment to form 10A to remove the note relating to notice of alibi.

*Regulation 13* revokes the forms that are no longer required.

*Regulation 14* replaces Schedule 2 of the principal regulations, which prescribes court fees. Many items that are no longer required are omitted from the replacement schedule.

*Regulation 15* makes consequential amendments to other regulations, including an amendment that revokes regulation 4(1)(b) of the Summary Proceedings Regulations 1958, Amendment No 8. That regulation, which inserts form 9B into the principal regulations, has never been brought into force. Because form 9B is no longer required, the amending regulation is revoked.

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These regulations are administered by the Ministry of Justice.

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