

**Reprint
as at 1 October 2008**



**Intellectual Disability (Compulsory
Care and Rehabilitation)
Regulations 2004**

(SR 2004/149)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 31st day of May 2004

Present:

Her Excellency the Governor-General in Council

Pursuant to section 150(a) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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 Health.

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Regulations

- 1 Title**
These regulations are the Intellectual Disability (Compulsory Care and Rehabilitation) Regulations 2004.
 - 2 Commencement**
These regulations come into force on 1 September 2004.
 - 3 Form of warrant to enter and search places to retake
escaped care recipients**
A warrant issued under section 112 of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 to enter and search a place and retake an escaped care recipient must be in the form set out in the Schedule.
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Schedule

r 3

Form of warrant

Warrant to enter and search a place to retake an
escaped care recipient

*Section 112, Intellectual Disability (Compulsory Care and
Rehabilitation) Act 2003 ("the Act")*

Location

The District Court at:

Court reference number:

To every constable

1 I am satisfied, on an application made to me in writing and
on oath by [*specify full name*], who is the (whichever of the
following is applicable)

* co-ordinator

or

* care manager

of the care recipient named in clause 2 below (the **care recipi-
ent**), that there are reasonable grounds for believing that the
care recipient—

(a) is a care recipient who has escaped, because that person
is a care recipient—

*(i) who has left his or her facility without authority;
or

*(ii) who has failed to return to his or her facility after
the expiry of authorised leave; *or*

*(iii) who has failed to return to his or her facility after
the cancellation of previously authorised leave;
and

(b) is in the place specified in clause 3 below (the **place**).

2 The care recipient in respect of whom this warrant is issued
is—

Name of care recipient

Date of birth of care recipient

3 The place it is believed the care recipient is in is—

Address or other description of place

4 This warrant authorises you to search the place and take the care recipient to a facility.

Dated at the District Court this [*date*].

.....
District Court Judge
or Registrar (if no Judge is available)

*Delete if inapplicable.

Notes for constable executing this warrant

- A You may ask the care recipient’s care manager to assist you in executing this warrant.
- B This warrant authorises you—
 - (a) to enter and search the place at any time; and
 - (b) to remove the care recipient from the place and to take him or her to his or her facility or to another facility specified by the co-ordinator.
- C This warrant also authorises you to use any reasonable force that may be required to carry out any action referred to in B.

- D When you enter the place, section 114 of the Act states that you must—
- (a) if you are not in uniform, produce evidence to the person appearing to be in charge of the place that you are a constable; and
 - (b) explain the purpose of the entry to that person; and
 - (c) explain to that person the authority of the entry and show this warrant to that person.
- E While executing this warrant, you should note the principles governing the exercise of powers under the Act, as set out in sections 11 to 14 of the Act, and observe them to the extent that they are relevant.

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

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

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 3 June 2004.

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 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
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Notes

1 *General*

This is a reprint of the Intellectual Disability (Compulsory Care and Rehabilitation) Regulations 2004. The reprint incorporates all the amendments to the regulations as at 1 October 2008, 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/legislation/reprints.shtml> or Part 8 of the *Tables of 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)*

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