



## Bail Rules 2000

Michael Hardie Boys, Governor-General

### Order in Council

At Wellington this 20th day of November 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 73 of the Bail Act 2000, His Excellency the Governor-General, 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 Bail Rules 2000.
- 2 Commencement**  
These rules come into force on 1 January 2001.

**3 Interpretation**

In these rules, unless the context otherwise requires, **Act** means the Bail Act 2000.

**4 Forms**

The forms set out in the Schedule are the forms that must be used in respect of the matters under the Act to which those forms relate.

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## **Schedule Forms**

- Form 1 Warrant of deliverance on grant of bail
- Form 2 Warrant to arrest for absconding, breaching bail condition, or failing to appear (summary proceedings)
- Form 3 Warrant to arrest and commit bailed appellant who has surrendered
- Form 4 Warrant to arrest for absconding or breaching bail condition (proceedings taken by way of indictment)

## Form 1

No /20

## Warrant of deliverance on grant of bail

*Section 33, Bail Act 2000*

To the Superintendent of the penal institution at [*place*]:

[*Full name*], of [*address, occupation*] (the **defendant**)—

- (a) was remanded into your custody on (a) charge(s) of [*name of charge(s)*]; or
- (b) was convicted of [*offence(s)*] and sentenced to [*sentence(s)*] and has appealed against—
  - (i) conviction; or
  - (ii) sentence; or
  - (iii) conviction and sentence; or
- (c) has been committed for trial; or
- (d) has been committed for sentence.

The defendant has been granted bail.

**I direct you**, if the defendant is detained in your penal institution awaiting hearing of the charge(s) (*or* awaiting the determination of his or her appeal *or* awaiting trial *or* sentence) and for no other cause, to release the defendant as soon as is reasonably practicable.

Dated at ..... this ..... day of ..... 20.... .

District Court Judge  
(*or* Registrar)

No /20

## Form 2

Warrant to arrest for absconding, breaching bail  
condition, or failing to appear  
(summary proceedings)

*Section 36, Bail Act 2000*

To every constable:

(or To [full name], constable:)

**On** [date] a sworn complaint was made that [full name], of [address, occupation] (the **defendant**), at [place] on [date], has engaged in behaviour of a kind described in section 36(1)(a) of the Bail Act 2000, namely that the defendant—

- (a) has absconded or is about to abscond for the purposes of evading justice; or
- (b) has contravened or failed to comply with any condition of bail.

*or*

**On** [date] [full name], of [address, occupation] (the **defendant**) engaged in behaviour of a kind described in section 36(1)(b) of the Bail Act 2000, namely the defendant—

- (a) did not attend personally at the time and place specified in the notice of bail or, as the case may be, the bail bond; or
- (b) did not attend personally at any time and place to which, during the course of the proceedings, the hearing was adjourned.

I am satisfied that there are grounds for the issue of a warrant to arrest the defendant.

**I direct you or any other member of the police** to arrest the defendant and bring him or her before a District Court as soon as possible to have the question of bail reconsidered under section 35 of the Bail Act 2000.

For the purpose of executing this warrant, the member of the police executing it may at any time enter on to any premises, by force if necessary, if the member of the police has reasonable grounds to believe that the defendant is on those premises.

Dated at ..... this ..... day of ..... 20....

District Court Judge  
(or Justice(s) of the Peace  
or Community Magistrate(s)  
or Registrar)

Form 3

No /20

Warrant to arrest and commit bailed appellant who has surrendered

Section 47, Bail Act 2000

To every constable (or To [full name], constable), and to the Superintendent of the penal institution at [place]:

[Full name], of [address, occupation] (the appellant), who was convicted of the offence of ..... and sentenced to ....., having appealed against his or her conviction (or sentence or conviction and sentence), was released on bail.

The appellant has surrendered himself or herself and applied to me for the discharge of bail.

I direct you, the said constable(s), to arrest the appellant and deliver him or her to the penal institution at [place]; and

I direct you, the said Superintendent, to receive the defendant into your custody and to detain him or her for the unexpired term of the sentence.

Dated at ..... this ..... day of ..... 20....

District Court Judge (or Justice of the Peace)

No 120

## Form 4

Warrant to arrest for absconding or breaching  
bail condition (proceedings taken by way of indictment)*Section 60, Bail Act 2000*

To every constable:

(or To [full name], constable:)

[Full name], of [address, occupation] (the **defendant**) has been charged with (or convicted of) the offence of ..... (the **offence**).

**On** [date] evidence was given on oath that the defendant, at [place] on [date], engaged in behaviour of a kind described in section 60(1) of the Bail Act 2000, namely that the defendant—

- (a) has absconded or is about to abscond for the purpose of evading justice; or
- (b) has contravened or failed to comply with any condition of bail.

I am satisfied that there are grounds for the issue of a warrant for the arrest of the defendant.

**I direct you or any other member of the police** to arrest the defendant and bring him or her before a High Court Judge or a District Court Judge to have the question of bail reconsidered under section 58 of the Bail Act 2000 (or, if the offence is a drug dealing offence (within the meaning of that Act), before a High Court Judge to have the question of bail reconsidered under section 59 of the Bail Act 2000) as soon as possible.

For the purpose of executing this warrant, the member of the police executing it may at any time enter on to any premises, by force if necessary, if the member of the police has reasonable grounds to believe that the defendant is on those premises.

Form 4—*continued*

Dated at ..... this ..... day of ..... 20.... .

District Court Judge  
(*or* Justice(s) of the Peace  
*or* Community Magistrate(s)  
*or* Registrar)

*or*

High Court Judge  
(*or* Registrar)

Marie Shroff,  
Clerk of the Executive Council.

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**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 1 January 2001, prescribe various forms for the purposes of the Bail Act 2000. The forms prescribed are—

- warrant of deliverance on grant of bail:
  - warrant to arrest for absconding, breaching bail condition, or failing to appear (summary proceedings):
  - warrant to arrest and commit bailed appellant who has surrendered:
  - warrant to arrest for absconding or breaching bail condition (proceedings taken by way of indictment).
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These rules are administered in the Ministry of Justice.

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