



Criminal Proceedings (Enforcement of Fines) Amendment Rules 2002

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 13th day of June 2002

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 409(1) of the Crimes Act 1961 and section 51C of the Judicature Act 1908, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and with the concurrence of the Right Honourable the Chief Justice and at least 2 of the other members of the Rules Committee (of whom at least 1 was a Judge of the High Court), makes the following rules.

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Rules

1 Title

- (1) These rules are the Criminal Proceedings (Enforcement of Fines) Amendment Rules 2002.
- (2) In these rules, the Criminal Proceedings (Enforcement of Fines) Rules 1967² are called “the principal rules”.

² SR 1967/176

2 Commencement

These rules come into force on 30 June 2002.

3 Forms to be used where person liable to community service or periodic detention

Rule 6A of the principal rules are amended—

- (a) by omitting from the heading the words “community service or periodic detention”, and substituting the words “community work”;
- (b) by omitting the words “community service or periodic detention” in each place where they appear, and substituting in each case the words “community work”.

4 New rules 8 and 9 substituted

The principal rules are amended by revoking rules 8 and 9, and substituting the following rules:

“8 Application of High Court Rules

The provisions of the High Court Rules set out in the Second Schedule of the Judicature Act 1908 relating to writs of sale apply, with all necessary modifications, to writs of sale issued under the Crimes Act 1961 in the same way as they apply to writs of sale issued under the High Court Rules.

“9 Charging orders

- “(1) Where the Court orders the issue of a writ of sale under section 19B or section 19D of the Crimes Act 1961, the Court may, at any time before the execution of the writ, direct the

issue of a charging order under rule 567 or rule 568 of the High Court Rules set out in the Second Schedule of the Judicature Act 1908.

- “(2) Where the Court directs the issue of a charging order under rule 567 or 568, the other provisions of Part 6 of the High Court Rules apply accordingly with all necessary modifications.”

5 Writ of sale where immediate execution directed

Form 1 in the Schedule of the principal rules is amended—

- (a) by omitting the words “Elizabeth the Second by the Grace of God of the United Kingdom, New Zealand, and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith”, and substituting the words “Elizabeth the Second, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith”;
- (b) by omitting the words “Supreme Court of New Zealand” and “Supreme Court” in each place where they appear, and substituting in each case the words “High Court”;
- (c) by omitting the words “personal and family clothing, furniture, and household effects, and tools or implements of trade, not exceeding in all £100 in value”, and substituting the words “necessary tools of trade to a value not exceeding \$500, and necessary household furniture and effects, including the wearing apparel of the offender and his or her family, to a value not exceeding \$2000”.

6 Warrant of commitment for non-payment issued in the first instance

Form 2 in the Schedule of the principal rules is amended—

- (a) by omitting the words “Supreme Court of New Zealand”, and substituting the words “High Court”;
- (b) by omitting the expression “£ s. d.”, and substituting the expression “\$”;
- (c) by omitting the expression “£”, and substituting the expression “\$”.

7 Warrant to collect sum adjudged to be paid on conviction

Form 3 in the Schedule of the principal rules is amended—

- (a) by omitting the words “Supreme Court of New Zealand”, and substituting the words “High Court”:
- (b) by omitting the expression “£ s. d.”, and substituting the expression “\$”:
- (c) by omitting the expression “£”, and substituting the expression “\$”.

8 Constable’s return to warrant to collect sum adjudged to be paid

Form 4 in the Schedule of the principal rules is amended by omitting the words “Supreme Court”, and substituting the words “High Court”.

9 Writ of sale following issue of warrant to collect

Form 5 in the Schedule of the principal rules is amended—

- (a) by omitting the words “Elizabeth the Second by the Grace of God of the United Kingdom, New Zealand, and Her Other Realms and Territories, Queen, Head of the Commonwealth, Defender of the Faith”, and substituting the words “Elizabeth the Second, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith”:
- (b) by omitting the words “Supreme Court of New Zealand” and “Supreme Court” in each place where they appear, and substituting in each case the words “High Court”:
- (c) by omitting the words “Mr Justice”, and substituting the words “the High Court”:
- (d) by omitting the words “personal and family clothing, furniture, and household effects, and tools or implements of trade, not exceeding in all £100 in value”, and substituting the words “necessary tools of trade to a value not exceeding \$500, and necessary household furniture and effects, including the wearing apparel of the offender and his or her family, to a value not exceeding \$2000”.

10 Warrant of commitment following issue of warrant to collect

Form 6 in the Schedule of the principal rules is amended—

- (a) by omitting the words “Supreme Court of New Zealand”, and substituting the words “High Court”;
- (b) by omitting the words “Mr Justice”, and substituting the words “the High Court”;
- (c) by omitting the expression “£ s. d.”, and substituting the expression “\$”;
- (d) by omitting the expression “£”, and substituting the expression “\$”.

11 Summons to person liable to community service or periodic detention for non-payment of fine

Form 6A of the Schedule in the principal rules is amended—

- (a) by omitting from the heading the words “COMMUNITY SERVICE OR PERIODIC DETENTION”, and substituting the words “COMMUNITY WORK”;
- (b) by omitting the words “community service or to periodic detention”, and substituting the words “community work”.

12 Summons to arrest person liable to community service or periodic detention for non-payment of fine

Form 6B of the Schedule in the principal rules is amended—

- (a) by omitting from the heading the words “COMMUNITY SERVICE OR PERIODIC DETENTION”, and substituting the words “COMMUNITY WORK”;
- (b) by omitting the words “community service or to periodic detention”, and substituting the words “community work”.

13 Order for sentence of community service for non-payment of fine

Form 6C of the Schedule in the principal rules is amended—

- (a) by omitting from the heading the words “COMMUNITY SERVICE”, and substituting the words “COMMUNITY WORK”;
- (b) by omitting the words “community service”, and substituting the words “community work”:

- (c) by omitting the Note to Form 6C, and substituting the following Note:
“Note: Section 59 of the Sentencing 2002 requires the offender to report to a probation officer within 72 hours after the sentence of community work is imposed.”

14 Sheriff’s warrant to bailiff (writ of sale)

Form 7 of the Schedule in the principal rules is amended—

- (a) by omitting the words “Supreme Court of New Zealand” and “Supreme Court” in each place where they appear, and substituting in each case the words “High Court”:
- (b) by omitting the words “personal and family clothing, furniture, and household effects, and tools or implements of trade, not exceeding in all £100 in value”, and substituting the words “necessary tools of trade to a value not exceeding \$500, and necessary household furniture and effects, including the wearing apparel of the offender and his or her family, to a value not exceeding \$2000”:
- (c) by omitting the expression “£ s. d.”, and substituting the expression “\$”.

15 Form 6D revoked

The Schedule of the principal rules is amended by revoking Form 6D.

Marie Shroff,
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 30 June 2002, amend the Criminal Proceedings (Enforcement of Fines) Rules 1967 (the rules). The effect of the amendments is—

- to revise the form of the Royal title in forms 1 and 5 in the Schedule to the rules:
- to substitute the words “High Court” for any reference to the “Supreme Court” or “Supreme Court of New Zealand”:
- to align references to monetary values in forms 1, 5, and 7 with corresponding provisions in the High Court Rules:
- to update to decimal currency all references in forms 2, 3, 6, and 7 to sterling:
- to update rule 6A and forms 6A, 6B, and 6C to refer to “Community work” following the enactment of the Sentencing Act 2002:
- to revoke form 6D.

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

Date of notification in *Gazette*: 20 June 2002.

These rules are administered in the Ministry of Justice and the Department for Courts.
