

26 April 2024

Mark
fyi-request-25706-d2a3e689@requests.fyi.org.nz

Our ref: OIA 111008

Tēnā koe Mark

Official Information Act request: Bailiff information

Thank you for your email of 27 March 2024, requesting further information from my previous response of 27 March 2024 (ref:109686).

In response to your request, I can advise that bailiffs do not use any physical force to arrest people. They follow the procedures which are detailed in the Standard Operating Procedures document which was provided to you in the last response.

You have also asked how a bailiff would respond if a person refused to go to court. The following information in the document you were provided addresses this:

- When actioning a Warrant to Arrest (WTA) the bailiff must “immediately advise any debtor being arrested the reason for the arrest, and their right to consult a lawyer”.
- If when actioning the WTA, the bailiff advises the debtor that they need to accompany them to the court where a hearing will be held, and they refuse, the bailiff must “bail the debtor to appear at their closest court on a date within the next 7 days”.
- If someone does not comply to bail conditions (to show that it is a credible alternative) to an arrest: “this has the same effect as a deputy registrar granting bail; meaning it is an offence for the debtor to fail to appear at the specified date and time, and this offence will be reported to the police. The maximum penalty for this offence is a \$1000 fine, or 3 months imprisonment.”

The Standard Operating Procedures document details the procedures bailiffs can follow if they have a problem during a visit. You can find this information on page 30 of that document, which is attached along with this letter.

If you require any further information, please contact Media & Social Media Manager Joe Locke at media@justice.govt.nz.

Please note that this response, with your personal details removed, may be published on the Ministry website at: [justice.govt.nz/about/official-information-act-requests/oia-responses/](https://www.justice.govt.nz/about/official-information-act-requests/oia-responses/)

If you are not satisfied with this response, you have the right to make a complaint to the Ombudsman under section 28(3) of the Act. The Office of the Ombudsman may be contacted by email to info@ombudsman.parliament.nz or by phone on 0800 802 602.

Nāku noa, nā

A handwritten signature in black ink that reads "Tracey Baguley". The signature is written in a cursive, flowing style.

Tracey Baguley
Group Manager, National Service Delivery