

The Criminal Procedure Act 2011

The Criminal Procedure Act 2011 ("**the CPA**") came into force on 1 July 2013, and is widely referred to as the most significant reform of criminal court procedures in more than 50 years. The CPA applies not only to police and Crown prosecutions of crimes such as drink driving, assault or theft, but also to prosecutions initiated by government departments and local authorities. These include the following:

- serious fraud;
- Resource Management Act;
- health and safety;
- fisheries;
- WINZ;
- parking; and
- Dog Control Act.

One of the aims of the CPA is to increase efficiency in the courts, which will be achieved by setting strict time frames for steps in the proceedings.

When a defendant is summonsed to appear in court, they will have 10 days from that first appearance to decide whether to plead guilty or not guilty. In more serious cases, this includes whether to elect a trial by judge alone or by jury. In some cases, they may also have to decide whether the case should be heard in the District Court or the High Court.

These decisions can be very significant. Once a defendant pleads guilty, it can be hard to reverse the plea. Similarly, it is anticipated that if a trial by judge alone is elected, it will be difficult to reverse the decision to obtain a trial by jury. On the other hand, defendants are rewarded for the prompt entry of guilty pleas with significant discounts on the ultimate sentence which is handed down.

Judges will also be able to reward defendants who co-operate with timetabling and other procedural matters by way of discount on sentence.

What this means is that obtaining prompt, thorough advice as soon as you are summonsed to appear in court is now crucial. It will be difficult for lawyers to obtain remands past the 10 day period to consider information and carry out any research or further enquiries before advising a plea.

If you know that you are being investigated and charges may be laid, we recommend you seek legal advice at this early stage. This will allow the first steps to be put in place to enable prompt decision making immediately after the first court appearance.

If you would like more information on this Act please contact one of our specialist litigation team – Nic Soper, Allie Cunninghame or Katy Baxter.