

30 March 2026

Criminal Bar Association

Tēnā koe,

### **Criminal Procedure Amendment Rules 2026**

This letter provides an overview of the Criminal Procedure Amendment Rules 2026 (the Amendment Rules) coming into force on 1 April 2026.

The Amendment Rules amend the Criminal Procedure Rules 2012 to establish a clear and consistent process for complainants in sexual offences to apply to the court to lift their own, or a defendant's, automatic name suppression in specified sexual offences.

The process is intended to enhance victims' autonomy over the publication of their own, and a defendant or offender's details. These changes were signalled in the Victims of Sexual Violence (Strengthening Legal Protections) Legislation Act 2025.

The Amendment Rules introduce two new rules:

- Rule 4.4A outlines the process for complainants to apply for a *defendant identity publication order* to lift a defendant's automatic name suppression
- Rule 4.4B outlines the process for complainants to apply for a *complainant identity publication order* to lift their own automatic name suppression.

### **Preparation**

We have prepared for the upcoming changes by:

- developing identity publication order application and supporting affidavit forms, with accompanying guidance information on how to make an application and what happens next
- updating the grants handbook and internal legal aid grants processes
- updating the victim's information website with information about lifting automatic name suppression
- communicating the changes with court staff and key sector stakeholders including legal professionals, Police and service providers for sexual violence victims.

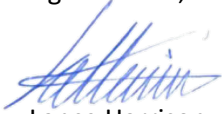
A detailed overview of the process is attached to this letter.

### **Sexual Violence Victims Information Website**

The Victims Information website will have information for victims about how to apply for an identity publication order and will include the application and supporting affidavit forms.

<http://www.sexualviolence.victiminfo.govt.nz>

Ngā mihi nui,



Lance Harrison

**Group Manager Commissioning and Service Improvement (Acting)**

## **Attachment – Overview of the process**

### **Prosecutor must inform the complainant that they may make an application**

As soon as reasonably practicable after a plea has been entered, the prosecutor must inform the complainant:

- that their name (or the defendant's name) may not be published without an identity publication order; and
- if they wish, they may apply for an identity publication order.

### **Applications**

There are two ways for a complainant to make an application:

1. completing a written application and supporting affidavit form at any time, or
2. making an oral application during any hearing of the proceeding.

If a complainant wants to make an oral application, they need to notify the prosecutor to arrange this. The prosecutor should:

- discuss with the complainant:
  - what making an oral application would involve
  - the option to make a written application
  - that if they make an oral application, the court may still require them to complete a written application and supporting affidavit
  - any additional requests to support them make an oral application (e.g. attendance via video-link, closed court, use of a privacy screen).
- notify the court prior to the hearing that the complainant wants to make an oral application and any requests to support them to do this.

### **Service**

When an application is received, the judge will make directions on:

- information they consider appropriate for service on the defendant
- the submissions timeframe for the prosecutor and defendant from the date the application is served.

The court registry will be responsible for serving:

- the application and supporting affidavit on the prosecutor who prosecuted the case; and
- a notice that an application has been made, together with any other information that a judge considers appropriate, for service on the defendant.

If the application relates to a closed case, the application and supporting affidavit will be served on the prosecutor (or prosecuting agency) who prosecuted the case.

### **Submissions**

The prosecutor and defendant may file written submissions in relation to the application and may be heard orally if a judge directs.

Legal aid is available, subject to the existing eligibility criteria for defendants/offenders to respond to identity publication order applications. If an identity publication order application is made after a

case has closed and there is no active grant of legal aid for the applicable charge(s), the defendant/offender may make a new application for legal aid.

### **Decision**

The judge may determine the application on the papers or direct that the application be set down for hearing.

If a judge directs that a hearing is required, the prosecutor should:

- provide the complainant with information about what will happen at the hearing
- discuss with the complainant whether any arrangements are required to support their safety in court (e.g. attendance via video-link, closed court, use of a privacy screen)
- notify the court of any requests to support the complainant in court.