

Crimes Amendment Act (No 2) 1997

Public Act 1997 No 93
Date of assent 1 December 1997

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An Act to amend the Crimes Act 1961

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Crimes Amendment Act (No 2) 1997, and is part of the Crimes Act 1961 (“the principal Act”).
- (2) This Act (other than sections 2, 3, 5, 6, 21 to 23, and section 25) comes into force on 1 February 1998.
- (3) Sections 2, 3, 5, 6, 21 to 23, and section 25 come into force on 1 January 1998.

2 New heading and section inserted

This section inserted s 98A and the preceding heading of the principal Act.

3 Powers in respect of crime against section 202A

This section inserted s 202B(2A) and (2B) of the principal Act.

4 Prohibition on use of listening devices

- (1) This subsection substituted s 216B(2) of the principal Act.
- (2) This subsection amended s 216B(3) of the principal Act.

- (3) The following enactments are consequentially repealed:
- (a) Section 10(2) of the Telecommunications Act 1987:
 - (b) Section 22 of the International Terrorism (Emergency Powers) Act 1987.

5 Power of search for goods stolen or unlawfully obtained in transit

[Repealed]

Sections 5 and 6 were repealed, as from 1 October 2003, by section 33(f) Crimes Amendment Act 2003 (2003 No 39).

6 Power to search vehicles for goods stolen or obtained by crimes involving dishonesty

[Repealed]

Sections 5 and 6 were repealed, as from 1 October 2003, by section 33(f) Crimes Amendment Act 2003 (2003 No 39).

7 New heading and section substituted

This section substituted s 312A, and inserted the previous heading of the principal Act.

8 New heading inserted

This section inserted the heading preceding s 312B of the principal Act.

9 Application by Police for warrant to intercept private communications

- (1) This subsection substituted s 312B(1)(a) of the principal Act.
- (2) This subsection amended s 312B(2)(a)(ii) of the principal Act.

10 Matters on which Judge must be satisfied in respect of applications

- (1) This subsection amended s 312C(a)(ii) of the principal Act.
- (2) This subsection inserted s 312C(2) of the principal Act.

11 New heading and sections inserted

This section inserted s 312CA and 312CB and the preceding heading of the principal Act.

12 New heading inserted

This section inserted the heading preceding s 312D of the principal Act.

13 Contents and term of warrant

- (1) This subsection amended s 312D of the principal Act.
- (2) This subsection substituted s 312D(1)(b) of the principal Act.

14 Renewal of warrants

This section amended s 312F of the principal Act.

15 Emergency permits

Section 312G of the principal Act (as so inserted) is amended—

- (a) This paragraph amended s 312G(1) of the principal Act.
- (b) This paragraph repealed s 312G(2) of the principal Act.
- (c) This paragraph amended s 312G(3) of the principal Act.
- (d) This paragraph amended s 312G(9) of the principal Act.

16 Destruction of irrelevant records made by use of listening device

This section substituted s 312I(1) of the principal Act.

17 Destruction of relevant records made by use of listening device

This section substituted s 312J(1) of the principal Act.

18 Inadmissibility of evidence of private communications unlawfully intercepted

This section substituted s 312M(2) of the principal Act.

19 Inadmissibility of evidence of private communications lawfully intercepted

- (1) This subsection substituted s 312N(1) of the principal Act.
- (2) This subsection amended s 312N(2) of the principal Act.
- (3) This subsection inserted s 312N(3) and (4) of the principal Act.

- 20 Commissioner of Police to give information to Parliament**
This section substituted s 312Q of the principal Act.
- 21 New heading and sections inserted**
This section inserted ss 314A to 314D and the preceding heading of the principal Act.
- 22 New sections substituted**
This section substituted s 317A, and inserted ss 317AA and 317AB of the principal Act.
- 23 Road blocks**
- (1) This section amended s 317B(4) of the principal Act.
 - (2) This subsection substituted s 317B(4)(c) of the principal Act.
 - (3) Section 317B of the principal Act (as so inserted) is amended by repealing subsection (6).
 - (4) This subsection amended s 317B(7) of the principal Act.
 - (5) This subsection inserted s 317B(7A) of the principal Act.
- 24 Schedule 6 repealed**
- (1) This section repealed Schedule 6 of the principal Act.
 - (2) Section 5 and the Schedule of the Crimes Amendment Act (No 2) 1987 are consequentially repealed.
- 25 Amendments to other enactments**
The enactments specified in the Schedule are amended in the manner indicated in that schedule.

Schedule

Section 25

Amendments to other Enactments

An item relating to the Penal Institutions Act 1954 was repealed, as from 1 June 2005, by section 208(1) Corrections Act 2004 (2004 No 50). *See* clause 2 Corrections Act Commencement Order 2005 (SR 2005/52).