



# **Prisoners' and Victims' Claims (Continuation and Reform) Amendment Act 2013**

Public Act 2013 No 36  
Date of assent 12 June 2013  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Prisoners' and Victims' Claims (Continuation and Reform) Amendment Act 2013.
- 2 Commencement**  
This Act comes into force on 1 July 2013.

**3 Principal Act**

This Act amends the Prisoners' and Victims' Claims Act 2005 (the **principal Act**).

**Part 1**

**Main amendments to principal Act**

*Purpose of Part*

**4 Purpose of Part**

The purpose of this Part is to amend the principal Act to—

- (a) prevent subpart 1 of Part 2 of the principal Act (which restricts and guides the awarding of compensation sought by specified claims) from expiring on, or at a stated time after, the close of 30 June 2013:
- (b) extend the victims' claims process in subpart 2 of Part 2 of the principal Act to money to be paid as compensation in respect of specified claims made on or after 1 July 2013:
- (c) make it clear that certain persons unlawfully detained by or on behalf of the Crown are, and have always been, for the principal Act's purposes and the period of their unlawful detention, persons under control or supervision:
- (d) make it clear that specified claims include (and have always included) claims by those persons arising from, even if based solely on, that detention:
- (e) extend subpart 3 of Part 2 of the principal Act so that, for actions based on claims made on or after 1 July 2013 by or on behalf of victims and against money received under section 17 of the principal Act that is compensation in respect of a specified claim of the offender made after 30 June 2013, it also suspends the running of limitation periods until the standard deadline for the filing of a victim's claim in the victims' claims process under the principal Act.

*Purpose of principal Act*

**5 Section 3 amended (Purpose of this Act)**

- (1) After section 3(2), insert:

“(2A) Subpart 2 of Part 2 must be read with the following related enactments:

- “(a) the Legal Services Act 2011, which facilitates the granting of legal aid in respect of victims’ claims proceedings under subpart 2 of Part 2 of this Act; and
- “(b) the Privacy Act 1993, which enables the Ministry of Justice to have access to Police records on offender identity and victim identity for the purpose of providing assistance to victims in accordance with this Act; and
- “(c) the Victims’ Rights Act 2002, which requires the Secretary for Justice to request, for the purposes of a notice under section 20 of this Act, the current address (including the full name) of a victim who has asked for notice of certain matters under that Act.”

(2) Replace section 3(4) with:

- “(4) The purpose of subpart 4 of Part 2 is to ensure that after 30 June 2013 generally only the following provisions apply or continue to apply to specified claims made before 1 July 2013, money to be paid as compensation in respect of claims of that kind, and victims’ claims against money of that kind:
- “(a) the provisions of this Act as in force immediately before 1 July 2013; and
  - “(b) this subsection and subpart 4 of Part 2 as inserted or substituted, but nothing else in this Act after it is amended, on 1 July 2013 by the Prisoners’ and Victims’ Claims (Continuation and Reform) Amendment Act 2013.”

*Persons unlawfully detained by or on behalf of  
the Crown*

**6 Section 4 amended (Interpretation)**

In section 4, definition of **person under control or supervision**, after paragraph (g), insert (as from the principal Act’s commencement, on 4 June 2005):

- “(h) a person who is detained unlawfully—
  - “(i) immediately after, or because of recall or other return to custody after, ceasing to be a person to whom any of paragraphs (a) to (g) applied; and

- “(ii) in the same manner as if he or she were a person to whom any of paragraphs (a) to (g) applies; and
- “(iii) by or on behalf of the Crown (as defined in section 6(2))”.

**7 Specified claim**

In section 6(1)(a)(ii), after “affecting the person as”, insert (as from the principal Act’s commencement, on 4 June 2005) “(including, without limitation, by making the person)”.

*Application of principal Act*

**8 Section 12 amended (Application)**

Replace section 12(1) with:

- “(1) This subpart applies only to proceedings—
  - “(a) in or before a court or tribunal; and
  - “(b) in which 1 or more specified claims are made; and
  - “(c) commenced on or after 1 July 2013.”

*Preventing expiry of prisoner compensation restrictions and guidance*

**9 Section 16 repealed (Expiry of subpart)**

Repeal section 16.

*Extending victims' claims process*

**10 Section 17 amended (Compensation of prisoners, etc, must be paid to Secretary)**

- (1) In section 17(1)(a)(i), delete “made before 1 July 2013”.
- (2) In section 17(1)(a)(ii), delete “, and either before, on, or after 1 July 2013”.
- (3) In section 17(1)(b)(i), delete “made before 1 July 2013”.
- (4) In section 17(1)(b)(ii), delete “, and either before, on, or after 1 July 2013”.

*Suspending limitation periods  
for victims' claims*

**11 Section 63 amended (Application)**

- (1) Replace the heading to section 63 with: “**Limitation periods to which section 64 applies**”.
- (2) In section 63(1), replace “This subpart” with “Section 64”.
- (3) In section 63(1)(c), after “the commencement”, insert “, on 4 June 2005,”.
- (4) In section 63(2), replace “This subpart” with “Section 64”.
- (5) In section 63(2)(a), after “the commencement”, insert “, on 4 June 2005,”.
- (6) In section 63(2)(b), after “the commencement”, insert “, on 4 June 2005,”.
- (7) In section 63(3), replace “this subpart” with “section 64”.
- (8) In section 63(3)(a), after “the commencement”, insert “, on 4 June 2005,”.

**12 Section 64 amended (Limitation periods suspended)**

- (1) In the heading to section 64, after “suspended”, insert “**while offender serving sentence of imprisonment**”.
- (2) In section 64(1), replace “subpart” with “section”.

**13 New sections 64A and 64B inserted**

After section 64, insert:

**“64A Limitation periods to which section 64B applies**

Section 64B applies to every applicable limitation period for an action based on a claim—

- “(a) made by or on behalf of a victim after the commencement, on 1 July 2013, of section 64B; and
- “(b) made against an offender and against money received under section 17 that is compensation in respect of a specified claim of the offender made after 30 June 2013; and
- “(c) based on acts done or omitted to be done (whether before or after the commencement, on 1 July 2013, of section 64B) by the offender in committing the offence.

**“64B Limitation periods suspended until standard deadline for filing of victims’ claims under this Act**

The limitation periods to which this section applies cease to run for the action against the offender and the money received under section 17 until the standard deadline (specified in section 28(3)) for the filing of a victim’s claim in the victims’ claims process under subpart 2.”

**Part 2**  
**Saving and repeal amendments to principal Act**

*Amendments to effect saving and repeal*

**14 Purpose of Part**

The purpose of this Part is to amend the principal Act to—

- (a) ensure that generally only its provisions as in force immediately before 1 July 2013 continue to apply to specified claims made before 1 July 2013, money to be paid as compensation in respect of claims of that kind, and victims’ claims against money of that kind;
- (b) repeal Part 3 because it contains only spent provisions amending other Acts.

*Saving for specified claims made before 1 July 2013, related compensation, and related victims’ claims*

**15 New subpart 4 of Part 2 inserted**

After subpart 3 of Part 2, insert:

“Subpart 4—Specified claims made before 1 July 2013, related compensation, and related victims’ claims

**“64C Pre-1 July 2013 Act generally continues to apply**

“(1) After 30 June 2013, the following provisions apply or continue to apply to specified claims made before 1 July 2013, money to be paid as compensation in respect of claims of that kind, and victims’ claims against money of that kind:

- “(a) the provisions of this Act as in force immediately before 1 July 2013; and

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- “(b) section 3(4) and this subpart as inserted or substituted, but nothing else in this Act after it is amended, on 1 July 2013 by the Prisoners' and Victims' Claims (Continuation and Reform) Amendment Act 2013.
- “(2) Despite subsection (1), the amendments made by sections 6 and 7 of the Prisoners' and Victims' Claims (Continuation and Reform) Amendment Act 2013 have effect (subject to the saving in subsection (3)) as from this Act's commencement, on 4 June 2005.
- “(3) The amendments made by sections 6 and 7 of the Prisoners' and Victims' Claims (Continuation and Reform) Amendment Act 2013 do not apply to proceedings commenced before 3 December 2012 except insofar as those proceedings are on or after that date amended to challenge a matter—
- “(a) made clear by those amendments; and
- “(b) not challenged expressly in those proceedings before that date.”

*Repeal of spent provisions amending other Acts*

**16 Part 3 repealed**  
Repeal Part 3.

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**Legislative history**

3 December 2012	Introduction (Bill 92–1)
11 December 2012	First reading and referral to Justice and Electoral Committee
3 April 2013	Reported from Justice and Electoral Committee (Bill 92–1)
8 May 2013	Second reading, committee of the whole House
5 June 2013	Third reading
12 June 2013	Royal assent

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This Act is administered by the Ministry of Justice.

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