



## Summary Proceedings Amendment Act 2010

Public Act 2010 No 87  
Date of assent 6 July 2010  
Commencement see section 2

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

- 1 Title**  
This Act is the Summary Proceedings Amendment Act 2010.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act amended**

This Act amends the Summary Proceedings Act 1957.

**4 Withdrawal of information by prosecutor**

Section 158(2)(b) is amended by omitting “13A(6)(d) of the Evidence Act 1908” and substituting “109(1)(d) of the Evidence Act 2006”.

**5 Provision for person in custody to be present at taking of statement**

- (1) Section 166(a) is amended by omitting “Superintendent of the penal institution” and substituting “manager of the prison”.
- (2) Section 166(b) is amended by omitting “Superintendent” and substituting “manager”.

**6 Application of provisions of Part 2**

Section 184(2) is amended by repealing paragraph (e).

**7 High Court Judge must determine trial Court in certain cases**

Section 184Q(6) is amended by omitting “13C of the Evidence Act 1908” and substituting “112 of the Evidence Act 2006”.

**8 Dealing with defendant committed for trial or for sentence**

- (1) Section 184T(3) is amended by omitting “psychiatric hospital” and substituting “hospital or secure facility”.
- (2) Section 184T is amended by repealing subsection (4) and substituting the following subsections:
  - “(4) Before making an order under subsection (3), the District Court must be satisfied, on the production of a certificate or certificates by 2 health assessors, that—
    - “(a) the defendant is mentally impaired; and
    - “(b) the defendant’s mental condition requires that, in the defendant’s own interest, the defendant should be detained in a hospital or secure facility instead of in a prison.
- “(5) In subsections (3) and (4),—

- “(a) **health assessor** has the same meaning as in section 4(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003:
- “(b) **hospital** has the same meaning as in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992:
- “(c) **secure facility** has the same meaning as in section 9(2) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.”

**9 Child complainant’s evidence may be given by video record**

Section 185D(2) is amended by omitting “185C(1)” and substituting “185C(2)”.

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**Legislative history**

29 June 2010	Divided from Statutes Amendment Bill by committee of the whole House, third reading
6 July 2010	Royal assent

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This Act is administered by the Ministry of Justice.

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