

Evidence Amendment Bill (No 2)

Government Bill

Explanatory note

General policy statement

The Bill makes an amendment to section 106(4) of the Evidence Act 2006 to remove the ability of a lawyer for each party to a proceeding to receive a copy of any video record evidence that is offered as alternative evidence.

The Bill also adds a new regulation-making power that enables regulations to be made prescribing offences for non-compliance with the regulations and fines of up to \$2,000 for committing those offences. The power could be used to create an offence in relation to persons misusing copies of video record evidence given to them under the regulations.

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on a date to be appointed by the Governor-General by Order in Council.

Clause 3 provides that the principal Act is the Evidence Act 2006.

Clause 4 substitutes a *new section 106(4)* of the principal Act. The *new section 106(4)* makes no provision for a lawyer for each party to a proceeding to be given a copy of any video record that is offered as an alternative method of giving evidence.

Clause 5 provides for a regulation-making power that enables the prescribing of offences in respect of the contravention of any regulations made under the Act and for prescribing fines not exceeding \$2,000 in respect of those offences.

Hon Mark Burton

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Evidence Amendment Act (No 2) **2007**.

2 Commencement

This Act comes into force on a date to be appointed by the Governor-General by Order in Council.

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3 Principal Act amended

This Act amends the Evidence Act 2006.

4 Video record evidence

Section 106 is amended by repealing subsection (4) and substituting the following subsection:

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“(4) A copy of any video record that is to be offered as an alternative method of giving evidence in a proceeding must be dealt with in accordance with any requirements set out in regulations made under section 201 concerning the custody or return of copies of video records, or prohibiting or restricting their copying.”

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5 Regulations

Section 201 is amended by adding the following paragraph:

“(p) prescribing offences in respect of the contravention of any regulations made under this Act and prescribing fines, not exceeding \$2,000, in respect of those offences.” 5

