

TRANSPORT AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Transport Act 1962.

Clause 1 relates to the Short Title.

Clause 2: Section 59c of the principal Act (inserted by section 13 of the Transport Amendment Act 1968) includes provisions that a specimen of blood taken under that section is to be sent to the Dominion Analyst or a Government Analyst for analysis, and his certificate as to the proportion of alcohol in the specimen analysed is to be admissible in evidence in proceedings for an offence against the driver, unless the driver requires the person who made the analysis to be called by the prosecutor as a witness at the hearing.

It has been the practice to add to each specimen of blood taken a suitable preservative and anti-coagulant in order to prevent deterioration and congealing of the blood before analysis, but one Magistrate has recently decided that the addition of any such substance to a specimen of blood is not permitted by section 59c, and he declined to accept evidence of the analysis. Two other Magistrates have admitted evidence of the analysis of a specimen of blood to which such a substance had been added.

Subclause (1) of this clause is intended to remove the doubts caused by these conflicting decisions. It provides that any such substance may be added to a specimen of blood, and it will be deemed always to have been permissible to add such a substance. The rights of the parties under existing judgments or on appeal from any such judgments are **preserved**.

Subclause (2) provides that a statement in the analyst's certificate that no such deterioration or congealing had been found in the specimen of blood analysed as to prevent a proper analysis will be sufficient evidence of that fact unless the driver requires the analyst to be called as a witness at the hearing.

Hon. Mr Gordon

TRANSPORT AMENDMENT

ANALYSIS

Title
1. Short Title

| 2. Blood tests

A BILL INTITULED

An Act to amend the Transport Act 1962

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Transport Amendment Act 1969, and shall be read together with and deemed part of the Transport Act 1962* (hereinafter referred to as the principal Act).

10 **2. Blood tests**—(1) Section 59c of the principal Act (as inserted by section 13 of the Transport Amendment Act 1968) is hereby amended by inserting, after subsection (2), the following subsection:

15 “(2A) For the avoidance of doubt, it is hereby declared that any preservative or anti-coagulant substance may be added to any specimen of blood taken under this section, and that the addition of any such substance to any such specimen shall be deemed always to have been permitted:

*Reprinted, 1967, Vol. 3, p. 2309
Amendment: 1968, No. 148

“Provided that nothing in this subsection shall affect the rights of the parties under any judgment given in any Court before the commencement of this subsection, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the commencement of this subsection.” 5

(2) Section 59c of the principal Act (as so inserted) is hereby further amended by inserting in subsection (6), after the words “and identified by the certificate”, the words “and certifying that no such deterioration or congealing had been found in the specimen of blood as would prevent a proper analysis”. 10