



**THE CRIMINAL INJURIES COMPENSATION (EVIDENCE)  
REGULATIONS 1967**

BERNARD FERGUSSON, Governor-General

**ORDER IN COUNCIL**

At the Government House at Wellington this 24th day of May 1967

Present:

**HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL**

PURSUANT to the Criminal Injuries Compensation Act 1963, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Criminal Injuries Compensation (Evidence) Regulations 1967.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

**2. Applications to take evidence at a distance**—The Tribunal may on the application of any person, who has the right to produce evidence in respect of any application for the payment of compensation that has been made to the Tribunal, make an order for the taking before a Magistrate or before the Registrar of any Magistrate's Court (not being a constable) of the evidence of any witness specified by that person if, in the opinion of the Tribunal, it is desirable or expedient that the evidence of the witness should be so taken by reason of the distance of the place where the witness resides from the place where the sitting of the Tribunal is likely to take place or of his illness or of his intention to depart from New Zealand before the hearing by the Tribunal of the application for the payment of compensation.

**3. Time and place to be appointed**—On making an order under regulation 2 of these regulations the Tribunal shall send a copy of it to the Registrar of the Court in which it is desired to hold the examination (in these regulations referred to as "the Court of examination") and that Registrar shall appoint a time and place for the same and notify the interested persons and the Tribunal accordingly, and the Tribunal may issue a summons to any witness if it considers such an action necessary.

**4. Conduct of Examination**—(1) All persons entitled to appear and be heard by the Tribunal on the application for the payment of compensation shall be at liberty to attend the examination in person or by his counsel or solicitor.

(2) The examination may be adjourned from time to time and from place to place.

**5. Administration of oath**—The examining Magistrate or Registrar shall administer an oath to each witness, who may be examined, cross-examined, and re-examined as at the hearing of a civil action.

**6. Form of depositions**—(1) The depositions shall be taken down in writing—

(a) By or in the presence of the examining Magistrate or Registrar; and

(b) Not ordinarily by question and answer, but so as to represent as nearly as may be practicable the statement of the witness.

(2) The Magistrate or examining Registrar may put down or cause to be put down any particular question or answer if there appears to be any special reason for doing so, and may put any question to the witness as to the meaning of any answer or as to any matter arising in the course of the examination.

**7. Admissibility of evidence**—(1) The Magistrate or examining Registrar shall not have power to decide upon the admissibility of any evidence, but if any evidence is objected to he shall take down the question and answer thereto or admit the document, as the case may be, and make a note of the objection on the deposition, and the question of admissibility shall be decided by the Tribunal at the hearing.

(2) If the witness objects to any question put to him before the examining Magistrate or Registrar, the question and the objection shall be taken down in the deposition, and the validity of the objection shall be decided by the Tribunal at the hearing.

**8. Attendance, etc., of witnesses**—If any witness refuses—

(a) To attend; or

(b) To be sworn; or

(c) To answer any lawful question; or

(d) To produce any document—

a certificate of such refusal shall be made and signed by the examining Magistrate or Registrar and filed with the Tribunal, and the person requiring the attendance of the witness may apply to the Tribunal for an order directing the witness to attend, or to be sworn, or to answer any question, or to produce any document, as the case may require, and the Tribunal may thereupon make such order as it thinks fit.

**9. Depositions to be read over**—When the examination of each witness has been concluded the depositions shall be read over to the witness and each page thereof shall be signed by him and the examining Magistrate or Registrar. If the witness refuses to sign the deposition, the examining Magistrate or Registrar shall make a note of the refusal on the deposition and the deposition may be tendered in evidence notwithstanding that it is not signed by the witness.

**10. Witnesses expenses**—The depositions signed by the Magistrate or Registrar shall be transmitted to the Tribunal with a certificate of the witnesses expenses, if any, payable in accordance with section 7 of the Commissions of Inquiry Act 1908.

**11. Failure of applicant to attend examination**—If at any time appointed or at any adjournment thereof the person applying to take evidence fails to appear or fails to proceed with the examination, the fact shall be reported to the Tribunal with a statement of witnesses expenses if any have been incurred.

**12. Application of these regulations**—Evidence given in accordance with these regulations before any examining Magistrate or Registrar may be tendered in proceedings on the application for the payment of compensation in respect of which they were taken as if given in the course of the hearing of those proceedings, and the signature of the examining Magistrate or Registrar to the depositions shall be judicially noticed without any proof thereof.

T. J. SHERRARD,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations provide for the taking of evidence at a distance in respect of applications for the payment of compensation under the Criminal Injuries Compensation Act 1963.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 25 May 1967.

These regulations are administered in the Department of Justice.