

Version
as at 6 July 2023



Evidence (Family Violence) Amendment Regulations 2019 (LI 2019/93)

Evidence (Family Violence) Amendment Regulations 2019: revoked, on 6 July 2023, pursuant to regulation 60 of the Evidence (Video Records and Very Young Children's Evidence) Regulations 2023 (SL 2023/111).

Patsy Reddy, Governor-General

Order in Council

At Wellington this 13th day of May 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 201 of the Evidence Act 2006 on the advice and with the consent of the Executive Council.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Justice.

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Regulations

1 Title

These regulations are the Evidence (Family Violence) Amendment Regulations 2019.

2 Commencement

These regulations come into force on 1 July 2019.

3 Principal regulations

These regulations amend the Evidence Regulations 2007 (the **principal regulations**).

4 Part 4 heading amended

In the Part 4 heading, replace “**domestic violence**” with “**family violence**”.

5 Regulation 22 amended (Family Court Judge may request video record of certain complainants)

(1) After regulation 22(1)(d), insert:

(e) allowing parties to a proceeding under the Family Violence Act 2018 or the lawyer for any of those parties to view the video record.

(2) In regulation 22(4), replace “video record if—” with “video record if,—”.

(3) Replace regulation 22(4)(a) with:

(a) if the proceeding is one under the Care of Children Act 2004 or is a care or protection proceeding under the Oranga Tamariki Act 1989, a Family Court Judge is satisfied that showing it is in the best interests of—

- (i) the child who is the subject of the proceeding under the Care of Children Act 2004; or
- (ii) the child who is the subject of the care or protection proceeding under the Oranga Tamariki Act 1989; and

6 Regulation 24 amended (Copying or showing transcript limited to certain purposes)

(1) In regulation 24(2), replace “(d)” with “(e)”.

- (2) In regulation 24(3)(a) and (6)(a), after “the care or protection proceeding under the Oranga Tamariki Act 1989”, insert “or the proceeding under the Family Violence Act 2018”.

7 Regulation 53 amended (Interpretation)

- (1) In regulation 53, revoke the definition of **domestic violence**.
- (2) In regulation 53, insert in its appropriate alphabetical order:
family violence has the same meaning as in section 9 of the Family Violence Act 2018 but excludes sexual abuse
- (3) In regulation 53, definition of **mobile video record**, paragraph (c), replace “domestic violence” with “family violence”.

8 Regulation 59 amended (Producing and retaining copies of mobile video records for criminal proceedings concerning domestic violence)

- (1) In the heading to regulation 59, replace “**domestic violence**” with “**family violence**”.
- (2) In regulation 59(1) and (2), replace “domestic violence” with “family violence”.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 1 July 2019, amend the Evidence Regulations 2007 (the **principal regulations**). The amendments—

- align the principal regulations with the Family Violence Act 2018, which also comes into force on 1 July 2019; and
- enable a Family Court Judge to ask the Police for a copy of a video record of a child complainant for the Family Court for allowing parties to a proceeding under the Family Violence Act 2018 or the lawyer for any of those parties to view the video record.

Notes

1 *General*

This is a consolidation of the Evidence (Family Violence) Amendment Regulations 2019 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Evidence (Video Records and Very Young Children's Evidence) Regulations 2023 (SL 2023/111): regulation 60