Evidence Amendment Act 2007

Public Act 2007 No 24
Date of assent 3 July 2007

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Evidence Amendment Act 2007.

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 Evidence Act 2006.

Part 1
Substantive amendments

4 Application

Section 5(3) is amended by omitting "Act" in the second and third places where it appears and substituting in each case "section".

5 New section 12A inserted

The following section is inserted after section 12:

"**12A Rules of common law relating to statements of co-conspirators, persons involved in joint criminal enterprises, and certain co-defendants preserved**

Nothing in this Act affects the rules of the common law relating to—

"(a) the admissibility of statements of co-conspirators or persons involved in joint criminal enterprises; or

"(b) the admissibility of a defendant's statement against a co-defendant in circumstances where the defendant's statement is accepted by the co-defendant."

6 Defendants' statements offered by prosecution

Section 27 is amended by adding the following subsection:

"(4) To avoid doubt, this section is subject to section 12A."

Part 2
Consequential amendments

7 Exclusion of unreliable statements

Section 28(1)(a) is amended by inserting "or, if applicable, a co-defendant" after "the defendant".

8 Exclusion of statements influenced by oppression

Section 29(1)(a) is amended by inserting "or, if applicable, a co-defendant" after "the defendant".

9 Improperly obtained evidence

Section 30(1)(a) is amended by inserting "or, if applicable, a co-defendant" after "the defendant".

Legislative history

19 June 2007	Introduction (Bill 129-1), first reading and referral to Justice and Electoral Committee
22 June 2007	Reported from Justice and Electoral Committee (Bill 129-2)
28 June 2007	Second reading, committee of the whole House, third reading

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