



## ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p>	<p>2. Standard of care required of persons under legal duties</p> <p>3. Correcting drafting error</p>
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1997, No. 88

**An Act to amend the Crimes Act 1961**

[21 November 1997]

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Crimes Amendment Act 1997, and is part of the Crimes Act 1961 (“the principal Act”).

(2) This Act comes into force on the day after the date on which it receives the Royal assent.

**2. Standard of care required of persons under legal duties**—(1) The principal Act is amended by inserting in Part VIII, immediately before section 151, the following section:

“150A. (1) This section applies in respect of the legal duties specified in any of sections 151, 152, 153, 155, 156, and 157.

“(2) For the purposes of this Part, a person is criminally responsible for—

“(a) Omitting to discharge or perform a legal duty to which this section applies; or

“(b) Neglecting a legal duty to which this section applies—only if, in the circumstances of the particular case, the omission or neglect is a major departure from the standard of care expected of a reasonable person to whom that legal duty applies in those circumstances.”

(2) Nothing in this section applies in respect of any act or omission that occurred before the commencement of this Act.

**3. Correcting drafting error**—Section 2 (1) of the principal Act is amended by omitting from paragraph (b) of the definition of the term “trial Judge” (as inserted by section 2 (3) of the Crimes Amendment Act (No. 2) 1995) the words “section 28AA of that Act”, and substituting the words “section 28A of the District Courts Act 1947”.

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This Act is administered in the Ministry of Justice and the Department for Courts.

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