



ANALYSIS

Title
1. Short Title

2. Prosecution may withdraw in certain cases
3. Right of appeal in certain cases

1986, No. 75

An Act to amend the Crimes Act 1961

[30 September 1986

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 Crimes Amendment Act (No. 3) 1986, and shall be read together with and deemed part of the Crimes Act 1961 (hereinafter referred to as the principal Act).

2. Prosecution may withdraw in certain cases—The principal Act is hereby amended by inserting, after section 369, the following section:

“369A. (1) Where, on an application under section 13A (6) (d) of the Evidence Act 1908, leave is granted to the accused to put any question relating to the identity of a witness called by the prosecutor, the prosecutor may forthwith inform the Judge that the prosecution does not intend to proceed with the indictment, or with any particular count in the indictment.

“(2) In such a case the Court shall give judgment that the accused be discharged from the indictment or from that count, and every such judgment shall be deemed to be an acquittal.”

3. Right of appeal in certain cases—Section 379A of the principal Act (as inserted by section 8 (1) of the Crimes Amendment Act 1966) is hereby amended by adding to subsection (1) the following paragraph:

“(e) Against the granting of leave on an application under section 13A (6) (d) of the Evidence Act 1908 relating to the identity of a witness, or against the refusal of a Judge to grant such leave.”

This Act is administered in the Department of Justice.
