



ANALYSIS

<p>Title</p> <p>1. Short Title</p> <p>2. New heading and section inserted</p>	<p><i>Documentary Evidence in Criminal Proceedings</i></p> <p>25A. Admissibility of certain business records</p> <p>3. Meaning of "Overseas representative"</p>
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1966, No. 24

An Act to amend the Evidence Act 1908

[16 September 1966]

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 Evidence Amendment Act 1966, and shall be read together with and deemed part of the Evidence Act 1908 (hereinafter referred to as the principal Act).

2. New heading and section inserted—The principal Act is hereby amended by inserting, before section 26 and the heading above that section, the following heading and section:

"Documentary Evidence in Criminal Proceedings

"25A. Admissibility of certain business records—(1) In any criminal proceedings where direct oral evidence of a fact would be admissible, any statement contained in a document and tending to establish that fact shall, on production of the

original document, be admissible as evidence of that fact if—

“(a) The document is, or forms part of, a record relating to any business and compiled, in the course of that business, from information supplied (whether directly or indirectly) by persons who have, or may reasonably be supposed by the Court to have, personal knowledge of the matters dealt with in the information they supply; and

“(b) The person who supplied the information recorded in the statement in question is dead, or beyond the seas, or unfit by reason of his bodily or mental condition to attend as a witness, or cannot with reasonable diligence be identified or found, or cannot reasonably be expected (having regard to the time which has elapsed since he supplied the information and to all the circumstances) to recollect the matters dealt with in the information he supplied.

“(2) Such a statement as is mentioned in subsection (1) of this section shall also be admissible in any criminal proceedings if in lieu of the original document there is produced a copy of the original document or of the material part thereof certified to be a true copy in such manner as the Court may approve.

“(3) For the purpose of deciding whether or not a statement is admissible as evidence by virtue of this section, the Court may draw any reasonable inference from the form or content of the document in which the statement is contained, and may, in deciding whether or not a person is fit to attend as a witness, act on a certificate purporting to be a certificate of a registered medical practitioner.

“(4) In estimating the weight, if any, to be attached to a statement admissible as evidence by virtue of this section regard shall be had to all the circumstances from which any inference can reasonably be drawn as to the accuracy or otherwise of the statement, and, in particular, to the question whether or not the person who supplied the information recorded in the statement did so contemporaneously with the occurrence or existence of the facts stated, and to the question whether or not that person, or any person concerned with making or keeping the record containing the statement, had any incentive to conceal or misrepresent the facts.

“(5) For the purposes of this section—

“‘Business’ means any business, profession, trade, manufacture, occupation, or calling of any kind; and

includes the activities of any Department of State, local authority, public body, body corporate, organisation, or society:

“‘Document’ includes any device by means of which information is recorded or stored and books, maps, plans, drawings, and photographs:

“‘Statement’ includes any representation of fact, whether made in words or otherwise.

“(6) Nothing in this section shall prejudice the admissibility of any evidence which would be admissible apart from the provisions of this section.”

3. Meaning of “Overseas representative”—Section 48 of the principal Act (as substituted by section 4 of the Evidence Amendment Act 1962) is hereby amended by omitting the words “or Consular officer”, and substituting the words “Consular Officer, or Pro-consul”.

This Act is administered in the Department of Justice.
