



## ANALYSIS

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| Title<br>1. Short Title<br>2. Withdrawal of information by informant | 3. Application for leave to question undercover Police officer's identity to be removed into High Court<br>4. Undercover Police officer may sign deposition, etc., by assumed name<br>5. On committal, documents to be sent to trial Court |
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1986, No. 76

**An Act to amend the Summary Proceedings Act 1957**

[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 Summary Proceedings Amendment Act (No. 2) 1986, and shall be read together with and deemed part of the Summary Proceedings Act 1957 (hereinafter referred to as the principal Act).

**2. Withdrawal of information by informant**—Section 157 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Notwithstanding anything in subsection (1) of this section, where, on an application under section 13A (6) (d) of the Evidence Act 1908, leave is granted to the defendant to put any question relating to the identity of a witness called by the informant, the informant may forthwith withdraw the information, and leave of the Court shall not be required.”

**3. Application for leave to question undercover Police officer's identity to be removed into High Court**—The principal Act is hereby amended by inserting, after section 161, the following section:

“161A. Where the defendant applies for leave under section 13A (6) (d) of the Evidence Act 1908, to put any questions relating to the identity of a witness called by the informant, the application shall be removed into the High Court and heard and determined by a Judge of that Court, and no evidence or further evidence shall be taken from that witness pending the determination of that application.”

**4. Undercover Police officer may sign deposition, etc., by assumed name**—The principal Act is hereby amended by inserting, after section 178, the following section:

“178A. Notwithstanding anything in this Part of this Act, any deposition or other written statement of evidence given by an undercover Police officer (within the meaning of section 13A (2) of the Evidence Act 1908) may be given and signed by the officer in the name by which the officer was known during the relevant investigation.”

**5. On committal, documents to be sent to trial Court**—Section 182 of the principal Act (as substituted by section 20 (1) of the Summary Proceedings Amendment Act 1976) is hereby amended by inserting in subsection (1), after the words “the Crimes Act 1961,”, the words “any certificate filed by the Commissioner of Police under section 13A (2) of the Evidence Act 1908 in respect of any witness.”.

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This Act is administered in the Department of Justice.

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