



ANALYSIS

Title
1. Short Title

2. Certificates as evidence
3. Repeals

1985, No. 192

**An Act to amend the Territorial Sea and Exclusive
Economic Zone Act 1977**

[17 December 1985]

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 Territorial Sea and Exclusive Economic Zone Amendment Act 1985, and shall be read together with and deemed part of the Territorial Sea and Exclusive Economic Zone Act 1977 (hereinafter referred to as the principal Act).

2. Certificates as evidence—The principal Act is hereby amended by inserting, after section 32, the following section:
“32A. (1) Subject to subsection (2) of this section, in any proceedings for an offence against this Act or any regulations made under this Act, any certificate purporting to be signed by any serviceman within the meaning of the Defence Act 1971 and—

“(a) Stating the position of any foreign fishing craft at any date and time specified in the certificate; or

“(b) Stating that the serviceman is satisfied that the equipment used to determine the position of any foreign fishing craft was in proper working order and that the equipment was accurate within specifications detailed in the certificate; or

“(c) Stating both the matters referred to in paragraph (a) and the matters referred to in paragraph (b) of this subsection—

shall be sufficient evidence of the facts stated until the contrary is proved.

“(2) A certificate referred to in subsection (1) of this section shall be admissible in evidence only if—

“(a) At least 28 days before the hearing at which the certificate is tendered, a copy of that certificate is served, by or on behalf of the prosecutor, on the defendant or his agent or counsel, and that person is, at the same time, informed in writing that the prosecutor does not propose to call the person who signed the certificate as a witness at the hearing; and

“(b) The Court has not, on the application of the defendant made not less than 14 days before the hearing, ordered, not less than 7 days before the hearing or such lesser period as the Court in the special circumstances of the case thinks fit, that the certificate should not be admissible as evidence in the proceedings.

“(3) The Court shall not make an order under subsection (2) of this section unless it is satisfied that there is a reasonable doubt as to the accuracy or validity of a certificate.”

3. Repeals—The Schedule to the principal Act is hereby amended by repealing the items relating to:

- (a) The Fisheries Act 1908;
- (b) The Fisheries Amendment Act 1963;
- (c) The Fisheries Amendment Act 1967;
- (d) The Fisheries Amendment Act 1968.