

**Reprint
as at 1 October 2012**



**Crimes Amendment Act (No 4)
2011**

Public Act 2011 No 85
Date of assent 17 October 2011
Commencement see section 2

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Justice.

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Crimes Amendment Act (No 4) 2011.

2 Commencement

- (1) Sections 4(1) and 5 come into force on a date appointed by the Governor-General by Order in Council.
- (2) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council.
- (3) Any provision that has not earlier been brought into force comes into force on the day that is 2 years after the date on which this Act receives the Royal assent.

Section 2(1): sections 4(1) and 5 brought into force, on 5 March 2012, by the Crimes Amendment Act (No 4) 2011 Commencement Order 2011 (SR 2011/412).

3 Principal Act amended

This Act amends the Crimes Act 1961.

4 Duty of persons arresting

- (1) Section 316(2) is amended by repealing paragraphs (a) and (b) and substituting the following paragraphs:
 - “(a) if he or she has the process or warrant, or a copy of it, in his or her possession at the time of the arrest, to produce it if required by that person to do so:
 - “(b) if he or she does not have the process or warrant, or a copy of it, in his or her possession at the time of the arrest, to show it to the arrested person as soon as practicable after the arrest, if that person so requires.”
- (2) Section 316 is amended by inserting the following subsection after subsection (5):
 - “(5A) The obligation under subsection (5) ceases if the person is—
 - “(a) released following the service of a summons under section 28 of the Criminal Procedure Act 2011 to appear in court to answer the charge; or
 - “(b) released on bail under section 21 of the Bail Act 2000; or

“(c) otherwise released from custody.”

5 Transitional provision regarding execution of warrant to arrest

Section 316(2) of the principal Act (as amended by section 4(1)) applies to the execution of any warrant of arrest on or after the date on which section 4(1) comes into force even if the warrant was issued before that date.

6 Further amendments to principal Act

The principal Act is amended as set out in the Schedule.

Schedule

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Amendments to principal Act**Section 2**

Definition of **crime** in subsection (1): repeal.

Definition of **depositions** in subsection (1): repeal.

Definition of **is liable** in subsection (1): omit “on indictment”.

Definition of **Judge** in subsection (1): repeal and substitute:

“**Judge**, in relation to a District Court, or **District Court Judge** means a Judge who holds a warrant under section 5B of the District Courts Act 1947 to conduct jury trials”.

Definition of **offence** in subsection (1): repeal.

Definition of **Trial Judge** in subsection (1): repeal.

Subsection (2): repeal.

Section 3

Repeal.

Section 8

Subsection (2): repeal and substitute:

“(2) If a person does or omits to do any act to which this section applies, and that act or omission would, if it occurred within New Zealand, be an offence, under this Act or any other enactment (whether that enactment was passed before or after the commencement of this Act), punishable by 2 or more years’ imprisonment then, subject to the provisions of this Act and that other enactment, the person is liable on conviction as if the act or omission had occurred in New Zealand.

“(2A) If any proceedings are taken by virtue of the jurisdiction conferred by this section, it is a defence to prove that the act or omission would not have been an offence under the law of the country of which the person charged was a national or citizen at the time of the act or omission, if it had occurred in that country.”

Subsection (3): omit “a crime” and substitute “an offence punishable by 2 or more years’ imprisonment”.

Section 8A

Subsection (3): omit “information shall be laid” and substitute “charging document may be filed”.

Subsection (4): omit “to the laying of an information” and add “before a charging document may be filed”.

Subsection (5): omit “laying of an information” and substitute “filing of a charging document”.

Section 10(4)

Repeal and substitute:

“(4) No one is liable to be punished twice in respect of the same offence.”

Section 10B

Repeal.

Section 11

Repeal.

Section 12

Repeal.

Section 19

Subsection (4)(b): repeal and substitute:

“(b) sections 244 and 250 of the Criminal Procedure Act 2011 and any other relevant provisions of that Act relating to appeals against sentence apply with any necessary modifications.”

Subsection (7): repeal and substitute:

“(7) For the purposes of subsection (6), the outstanding fine or fines imposed by the District Court must be treated as if the fine or fines were imposed by the High Court and, in accordance with subsection (1), Part 3 of the Summary Proceedings Act 1957 applies to the fine or fines, subject to—

“(a) any necessary modifications; and

“(b) the modifications in subsections (2) and (4), but not the modification in subsection (5), if the outstanding fine or fines were imposed in the District Court.”

Section 69(3)

Omit “a crime other than murder” and substitute “an offence other than murder punishable by imprisonment for life or by 2 or more years’ imprisonment” and omit “the crime” and substitute “the offence”.

Section 75(1)

Omit “accused” and substitute “defendant”.

Section 78B(1)

Omit “information shall be laid” and substitute “charging document may be filed”.

Omit “laying of an information” and substitute “filing of a charge”.

Section 78C(3)

Omit “accused” and substitute “defendant”.

Section 112

Omit “accused” and substitute “defendant”.

Section 120(1)(ba)

Omit “section 184T(3) of the Summary Proceedings Act 1957” and substitute “section 169 of the Criminal Procedure Act 2011”.

Section 144B

Subsection (1): omit “information shall be laid” and substitute “charging document may be filed”.

Subsection (2): omit “laying of an information” and substitute “filing of a charging document”.

Section 178(2)

Omit “accused” and substitute “defendant”.

Section 191(1)

Omit “crime” in each place it appears and substitute in each case “imprisonable offence”.

Section 192(1)

Omit “crime” in each place it appears and substitute in each case “imprisonable offence”.

Section 198B(1)

Omit “crime” in each place it appears and substitute in each case “imprisonable offence”.

Section 216M(1)(a)

Omit “Summary Proceedings Act 1957” and substitute “Criminal Procedure Act 2011”.

Section 231(1)

Omit “a crime” in each place it appears and substitute in each case “an imprisonable offence”.

Section 243(1)

Insert after “sections” “243A,”.

Section 243(5)(a) and (b)

Omit “accused” in each place it appears and substitute in each case “defendant”.

New section 243A

Insert after section 243:

“243A Charges for money laundering

A person charged with an offence against section 243(2) or (3) of this Act or section 12B of the Misuse of Drugs Act 1975 in respect of any property that is the proceeds of a serious offence may be charged whether or not the person who committed that serious offence has been charged or convicted or is amenable to justice”

Section 313

Repeal.

Section 314

Repeal.

Sections 321 to 344A and the headings above sections 321, 322, 328, and 344A

Repeal.

Sections 344C to 378F and the headings above sections 345, 351, and 378A

Repeal.

Part 13

Repeal.

Section 400(1)

Omit “No information” and substitute “No charging document”.

Omit “laid” and substitute “filed”.

Omit “laying of an information” and substitute “filing of a charging document”.

Section 401

Repeal.

Section 404

Repeal.

Section 406(a)

Omit “where the person was convicted or sentenced by a District Court acting in its summary jurisdiction or under section 28F(4) of the District Courts Act 1947” and substitute “where the person’s right of appeal against conviction under section 229 of the Criminal Procedure Act 2011 was to a District Court or the High Court”.

Section 409

Repeal.

Section 411

Subsection (2): omit “, whether on indictment or on summary prosecution”.

Section 411—*continued*

Subsection (3): omit “read as a reference to an indictment or, as the case may require, to the filing of an indictment in the High Court or in a District Court (as the case may require), or to an indictment filed” and substitute “read as a reference to a charging document or, as the case may require, to the filing of a charging document in the District Court, or to a charging document filed”.

Schedule 2

Form 3: repeal.

Form 4: repeal.

Schedule: amended, on 1 October 2012, by section 326(2) of the Search and Surveillance Act 2012 (2012 No 24).

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Notes**1 General**

This is a reprint of the Crimes Amendment Act (No 4) 2011. The reprint incorporates all the amendments to the Act as at 1 October 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Search and Surveillance Act 2012 (2012 No 24): section 326

Crimes Amendment Act (No 4) 2011 Commencement Order 2011
(SR 2011/412)
