

**Reprint
as at 5 March 2012**



**Victims' Rights Amendment Act
2011**

Public Act 2011 No 95
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 Victims' Rights Amendment Act 2011.

2 Commencement

- (1) Sections 4 to 7 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 4–7 brought into force, on 5 March 2012, by the Victims' Rights Amendment Act 2011 Commencement Order 2011 (SR 2011/416).

3 Principal Act amended

This Act amends the Victims' Rights Act 2002.

4 Procedure before ascertaining information from victim

Section 18(a)(i) is amended by inserting “and may be used by a judicial officer for the purpose of giving the accused a sentence indication” after “offender”.

5 Form and verification of information ascertained

- (1) Section 19(3)(a) is amended by inserting “and might be used by a judicial officer for the purpose of giving the accused a sentence indication” after “offender”.
- (2) Section 19(4) is amended by repealing paragraph (a) and substituting the following paragraphs:
 - “(a) advised the victim that—
 - “(i) it was for submission to the judicial officer sentencing the offender; and
 - “(ii) it might also be used by a judicial officer for the purpose of giving the accused a sentence indication; and
 - “(ab) advised the victim that he or she was required to ensure that any information that he or she gave is true; and”.

6 New section 21A inserted

The following section is inserted after section 21:

“21A Victim impact statement may be used for purpose of sentence indication

A victim impact statement within the meaning of section 22 of this Act may be submitted to a judicial officer for the purpose of giving a sentence indication under section 61 of the Criminal Procedure Act 2011.”

7 Transitional provision regarding submitting victim impact statement for purpose of sentence indication

A victim impact statement may be submitted under section 21A of the principal Act (as inserted by section 6 of this Act) even if it was prepared before the date on which section 6 came into force.

8 Other amendments to principal Act

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

Schedule
Amendments to principal Act

s 8

Section 12

Subsection (2)(c): omit “defended hearing, or trial,” and substitute “trial”.

Subsection (4): omit “the Criminal Justice Act 1985 or any other” and substitute “any”.

Section 35(3)(b)

Omit “section 142A(1) of the Criminal Justice Act 1985” and substitute “section 34A(1) of the Corrections Act 2004”.

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Notes

1 *General*

This is a reprint of the Victims' Rights Amendment Act 2011. The reprint incorporates all the amendments to the Act as at 5 March 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)***

Victims' Rights Amendment Act 2011 Commencement Order 2011
(SR 2011/416)
