

LEGISLATIVE ASSEMBLY

Read 1° 9 October 1991

(Brought in by Mr Kennan and Mr Crabb)

A BILL

to amend the **Crimes Act 1958** and for other purposes.

Crimes (Year and a Day Rule) Act 1991

The Parliament of Victoria enacts as follows:

1. Purpose

5 The purpose of this Act is to amend the **Crimes Act 1958** to abolish the rule at common law that a person may not be convicted of an offence relating to the causing of a death unless the death occurs within a year and a day after the injury causing death was inflicted.

2. Commencement

10 This Act comes into operation on the day on which it receives the Royal Assent.

Section headings appear in bold italics and are not part of the Act (see **Interpretation of Legislation Act 1984**).

No. 6231
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No. 127/1986
and
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Nos 19/1987,
70/1987,
78/1987,
36/1988,
37/1988,
38/1988,
40/1988,
12/1989,
19/1989,
25/1989,
39/1989,
44/1989,
51/1989,
56/1989,
57/1989,
84/1989,
24/1990,
64/1990,
93/1990,
8/1991,
23/1991 and
49/1991.

3. Insertion of new section 9AA

After section 9 of the Crimes Act 1958 insert—

“9AA. Abolition of year-and-a-day rule

- (1) The rule of law known as the year-and-a-day rule (under which an act or omission that in fact causes death is not regarded as the cause of death if the death occurs more than a year and a day after the act or omission) is abolished. 5
- (2) This section does not apply to acts or omissions alleged to have occurred— 10
 - (a) before the commencement of the Crimes (Year and a Day Rule) Act 1991; or
 - (b) between two dates, one before and one after that commencement.”

4. Statute law revision

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In section 425 of the Crimes Act 1958 for “(3) This” substitute “(4) This”.