

**CRIMES (RAILWAY SAFETY) AMENDMENT ACT 1987**  
**No. 294**

NEW SOUTH WALES



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**CRIMES (RAILWAY SAFETY) AMENDMENT ACT 1987 No. 294**

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**Act No. 294, 1987**

An Act to amend the Crimes Act 1900 with respect to the giving of evidence relating to analyses. [Assented to 16 December 1987]

*Crimes (Railway Safety) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Railway Safety) Amendment Act 1987.

**Commencement**

2. This Act shall commence on the commencement of the Transport Authorities (Railway Safety) Amendment Act 1987.

**Amendment of Act No. 40, 1900, s. 414A (Certificates to be evidence)**

3. The Crimes Act 1900 is amended by inserting at the end of section 414A the following subsections:

(7) A certificate which would, by virtue of Division 5 of Part IVA of the Transport Authorities Act 1980, be prima facie evidence of the particulars certified in and by the certificate in proceedings for an offence under Part IVA of that Act shall be prima facie evidence of those particulars—

(a) at any inquest; or

(b) where a person is charged before a Magistrate or before any Court with an indictable offence.

(8) Where any certificate under section 55T of the Transport Authorities Act 1980 is admitted in evidence by virtue of subsection (7), evidence of the condition of a breath analysing instrument or the manner in which it was operated shall not be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.