



ANALYSIS

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1975, No. 47

An Act to amend the Criminal Justice Act 1954

[19 September 1975]

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 and commencement—(1) This Act may be cited as the Criminal Justice Amendment Act 1975, and shall be read together with and deemed part of the Criminal Justice Act 1954 (hereinafter referred to as the principal Act).

(2) Subject to subsection (3) of this section, this Act shall come into force on the date of its passing.

(3) The provisions of Parts I and II of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council, and different dates may be so appointed for the purpose of different provisions of those Parts. Any of those provisions may be brought into force either generally, or in respect of such class of offenders as may be specified from time to time by Order in Council.

PART I

ABOLITION OF SENTENCE OF DETENTION IN A DETENTION CENTRE AND INTRODUCTION OF CORRECTIVE TRAINING

2. Sentence of detention in a detention centre abolished—Sections 15 to 17, 27, and 55 of the principal Act are hereby repealed. The first subheading to Part II of the principal Act is hereby consequentially altered by omitting the words “*or Detention*”, and the second subheading, “*Detention Centres*”, to the said Part II is also consequentially omitted.

3. Interpretation—Section 2 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Any reference in this Act to a previous sentence of corrective training shall be construed as including a reference to a previous sentence of detention in a detention centre.”

4. New sections (relating to corrective training) inserted in Part II of principal Act—The principal Act is hereby further amended by inserting in Part II, after section 14, the following subheading and sections:

“Corrective Training

“14A. **Corrective training**—(1) Subject to subsections (3) to (5) of this section and to sections 14B and 14D of this Act, where any person who is not less than 15 years of age and is under 20 years of age is convicted of any offence punishable by imprisonment for a term of not less than 3 months and the Court is satisfied that, had the person been of or over the age of 20 years, it would have sentenced him to imprisonment for a term of not less than 3 months, the Court may sentence that person to corrective training for a term of 3 months.

“(2) Notwithstanding subsection (1) of this section, but subject to subsections (3) to (5) of this section and to sections 14B and 14D of this Act, where any person who is not less than 15 years of age and is under 20 years of age is convicted of any offence punishable by imprisonment for a term of 6 months or more and the Court is satisfied that, had that person been of or over the age of 20 years, it would have sentenced him to imprisonment for a term of not less than 6 months, the Court may sentence him to corrective training for a term of 6 months.

“(3) No person sentenced to corrective training shall be sentenced to imprisonment for the same offence, but the Court sentencing the person to corrective training may, subject to section 26A of this Act, impose any other sentence or make any order that could have been imposed or made in conjunction with a sentence of imprisonment.

“(4) The Court sentencing any person to corrective training may at the same time order that on his release on probation under subsection (3A) of section 35 of this Act he shall be subject to all or any of the additional conditions set out in subsection (1) of section 8 of this Act, and the provisions of subsections (2) and (3) of the said section 8 shall, as far as they are applicable and with the necessary modifications, apply as if those additional conditions had been imposed under that section.

“(5) Nothing in this section shall apply when the offence of which the person is convicted is an offence against Part X of the Domestic Proceedings Act 1968.

“14B. **Court not to impose sentence of corrective training in certain circumstances**—Notwithstanding anything in section 14A of this Act, no Court shall sentence any person to corrective training for a term of 3 months if it is shown to the Court that at any time previously he has been sentenced to—

“(a) Corrective training; or

“(b) Imprisonment for 3 months or more; or

“(c) Borstal training.

“14C. **Report of probation officer or other person as to person undergoing corrective training**—Where any person serves a sentence of corrective training and is later brought before a Court for any other offence, any probation officer or any Superintendent of a penal institution or any other officer of the Department of Justice may make a report in writing to the Court on the conduct of that person while in a corrective training institution; and where the report is made by a person other than the probation officer the provisions of section 5 of this Act shall apply with the necessary modifications.

“14D. **Court to consider report of probation officer**—
(1) No Court shall sentence any person to corrective training until a report on his character and personal history has been made by a probation officer and has been considered by the Court, but no sentence of corrective training shall be invalid on the ground that a report by a probation officer was not made or was not considered by the Court.

“(2) If any Court sentences any offender to corrective training before a report has been made and considered under this section the defendant or the prosecutor or any counsel or solicitor on behalf of the Crown may at any time apply to have the sentence reviewed.

“(3) Any application for review of the sentence may—

“(a) In the case of a sentence passed by the Supreme Court, be made to any Judge of the Court at any place, whether or not the sentence was passed by that Judge or at that place; and

“(b) In the case of a sentence passed by a Magistrate’s Court, be made to any Magistrate’s Court presided over by a Magistrate at any place, whether or not the sentence was passed by that Magistrate or at that place.

“(4) Notwithstanding anything in subsection (3) of this section, if any application is filed in a Court at a distance from the corrective training institution where the offender is detained, a Judge or Magistrate may order that the application shall be transferred to and dealt with by a Judge or, as the case may require, a Magistrate’s Court at a place nearer to the institution.

“(5) The Judge or Magistrate by whom the application is heard, after inquiry into the circumstances of the case and after considering the report of the probation officer, may in his discretion confirm the sentence or substitute for it any other sentence that could have been passed on the offender at the time when the original sentence was passed.

“(6) The following provisions shall apply to any sentence substituted under subsection (5) of this section:

“(a) For the purpose of any appeal or application for leave to appeal against the substituted sentence, it shall be deemed to be a sentence passed on the conviction of the offender, but the time allowed for giving notice of the appeal or application shall run from the day on which the substituted sentence was in fact passed:

“(b) For the purpose of calculating the period for which the offender is liable to be detained under the substituted sentence, it shall be deemed to have commenced on the day on which the original sentence commenced.

“14E. **Detention in a corrective training institution**—Every person sentenced to corrective training under this Act shall be detained in accordance with this Act and with the Penal Institutions Act 1954.”

5. New sections (as to corrective training) inserted in Part IV of principal Act—The principal Act is hereby further amended by inserting in Part IV, after the heading “Cumulative and Concurrent Sentences”, the following sections:

“26A. Cumulative sentences and corrective training—

(1) No sentence of corrective training shall be cumulative on any other sentence of corrective training or on any sentence of any other kind.

“(2) No sentence of any kind shall be cumulative on a sentence of corrective training.

“26B. Corrective training and further offences—(1) Where any person who is serving a sentence of corrective training is convicted of any offence or offences punishable by imprisonment, whether committed before or after that sentence was passed, and the Court sentences that person to a term or terms of imprisonment, the following provisions shall apply:

“(a) If the term or terms of imprisonment will expire on or before the date of expiry of the sentence of corrective training he shall not serve the sentence of imprisonment but shall continue to serve the sentence of corrective training unless the Court directs that he shall serve the sentence or sentences of imprisonment in substitution for continuing to serve the sentence of corrective training:

“(b) If the term or terms of imprisonment will expire after the date of expiry of the sentence of corrective training he shall serve the sentence or sentences of imprisonment in substitution for continuing to serve the sentence of corrective training.

“(2) Notwithstanding anything in section 102 of the Summary Proceedings Act 1957 (as substituted by section 12 of the Summary Proceedings Amendment Act 1973), where any person who is serving a sentence of corrective training is committed to prison under section 100 of the Summary Proceedings Act 1957 for a term that does not exceed 2 months for default made in the payment of any sum of money adjudged to be paid by a conviction, whether as a fine or for costs or otherwise, and the term of imprisonment would expire after the expiration of the sentence of corrective training, the term of imprisonment shall be served in a corrective training institution.

“(3) For the purposes of this section, no person shall be deemed to be serving a sentence of corrective training if he is on probation after release therefrom.”

6. Conditions of probation, and discharge therefrom—

(1) Section 38 of the principal Act is hereby amended by inserting in subsection (1), after the words “under section 31”, the words “, or section 31A,”.

(2) The said section 38 is hereby further amended by repealing subsections (4) to (6), and substituting the following subsections:

“(4) Any probationer under this Part of this Act may—

“(a) In the case of a probationer released from detention under a sentence of corrective training, apply to any Court; and

“(b) In the case of a probationer released from detention under any other sentence, apply to the Prisons Parole Board,—

for the remission, suspension, or variation of any condition imposed by or under this Part of this Act or under section 14A of Part II of this Act or under section 31 or section 31A of the Penal Institutions Act 1954.

“(5) Any probationer under this Part of this Act other than a probationer released from detention under a sentence of corrective training, may apply to the Prisons Parole Board for his discharge from probation—

“(a) If he is under sentence of imprisonment for life or preventive detention, at any time after the expiry of 3 years from the time of his release on probation:

“(b) In any other case at any time after the expiry of half the term of his probation.

“(5A) Any probationer under this Part of this Act who is released from detention under a sentence of corrective training may apply to any Court for his discharge from probation at any time after the expiry of half the term of his probation.

“(6) Any probation officer may at any time apply to the Prisons Parole Board—

“(a) For the remission, suspension, or variation of any condition imposed on any probationer, other than a probationer released from detention under a sentence of corrective training, by or under this Part of this Act or under section 31 or section 31A of the Penal Institutions Act 1954:

“(b) For the discharge from probation of any probationer, other than a probationer released from detention under a sentence of corrective training:

“(c) For the imposition of any additional condition in respect of any probationer, other than a probationer released from detention under a sentence of corrective training.

“(6A) Any probation officer may at any time apply to any Court—

“(a) For the remission, suspension, or variation of any condition imposed on any probationer released from detention under a sentence of corrective training, by or under this Part of this Act or under section 14A of Part II of this Act or under section 31 or section 31A of the Penal Institutions Act 1954:

“(b) For the discharge from probation of any probationer released from detention under a sentence of corrective training:

“(c) For the imposition of any additional condition in respect of any probationer released from detention under a sentence of corrective training.”

(3) Notwithstanding any of the other provisions of this Act, in the event of this Part of this Act coming into force on a date that is before the date on which Part II of this Act comes into force, the following provisions shall apply until the said Part II comes into force and shall then expire:

(a) A probationer under Part V of the principal Act who is on probation after undergoing borstal training may at any time apply to any Borstal Parole Board for the remission, suspension, or variation of any condition imposed by or under Part V of the principal Act:

(b) A probationer under Part V of the principal Act who is on probation after undergoing borstal training may apply to any Borstal Parole Board at any time after the expiry of half the term of his probation for his discharge from probation:

(c) Any probation officer may at any time apply to any Borstal Parole Board in the case of a probationer who is on probation after undergoing borstal training—

(i) For the remission, suspension, or variation of any condition imposed on the probationer by or under Part V of the principal Act:

(ii) For the discharge from probation of the probationer:

- (iii) For the imposition of any additional condition in respect of the probationer:
- (d) On any application being made to a Borstal Parole Board under any of the paragraphs (a) to (c) of this subsection, the Board may give such directions as it thinks fit:
 - (e) Where under this subsection a Borstal Parole Board directs the discharge from probation of any probationer, the term of his probation shall expire on such date as may be specified in the direction, and on that date his sentence, if still in force, shall expire:
 - (f) Where any application is made under this subsection for the remission, suspension, or variation of any special condition, the probation officer may in his discretion suspend the condition until the application has been heard and disposed of:
 - (g) Notice of any direction given by a Borstal Parole Board under this section shall be given by the Secretary for Justice to the probation officer.

7. Sentence not invalidated by mistake in age of offender—

(1) Section 43 of the principal Act is hereby amended by omitting from subsection (1) the words “to be of an age at which he is”, and substituting the words “to have been at the time of conviction of an age at which he would have been”, and also by omitting from the same subsection the words “the sentence was imposed”, and substituting the words “he was convicted”.

(2) The said section 43 is hereby further amended by omitting from subsection (2) the words “when the sentence was passed”, and substituting the words “of conviction”.

(3) The said section 43 is hereby further amended by inserting, after subsection (2), the following subsections:

“(2A) Notwithstanding anything in subsection (2) of this section, where it comes to the notice of the Superintendent of a corrective training institution or to the notice of the Secretary for Justice that an offender who has been sentenced to corrective training was under 15 years of age at the time he was convicted the Superintendent or Secretary for Justice, as the case may be, shall apply in accordance with this section for the substitution of some other sentence.

“(2B) Without limiting the provisions of subsection (2) of this section, where it comes to the notice of the Superintendent of a corrective training institution that an offender who has been sentenced to corrective training was of or above

20 years of age at the time he was convicted the Superintendent shall report the fact forthwith to the Secretary for Justice, and where it comes to the notice of the Secretary for Justice that an offender who has been sentenced to corrective training was of or above 20 years of age at the time he was convicted the Secretary for Justice shall direct that the offender be transferred to a prison to serve a sentence of imprisonment of the same length as the sentence of corrective training.”

8. Consequential amendments on abolition of sentence of detention in a detention centre and on introduction of corrective training—(1) The principal Act and the other enactments specified in the First Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

(2) Section 15 (3) of the Criminal Justice Amendment Act 1962 is hereby consequentially amended by omitting the words “subsections (4) to (6) of section 19”, and substituting the words “subsections (3) to (6) of section 14D”.

9. Transitional provisions as to existing sentences of detention in detention centres—(1) Where on the coming into force of this Part of this Act any person is under a sentence of detention in a detention centre, that sentence shall be deemed to be a sentence of corrective training for a term of 3 months that commenced on the date of commencement of the sentence of detention in a detention centre.

(2) On the coming into force of this Part of this Act any reference in any Act to detention in a detention centre shall be deemed to be a reference to a sentence of corrective training for a term of 3 months.

(3) Where on the coming into force of this Part of this Act any person sentenced to detention in a detention centre has been released on probation he shall be deemed to be released on probation following a sentence of corrective training for a term of 3 months.

PART II

ABOLITION OF BORSTAL TRAINING

10. Borstal training abolished—(1) The principal Act is hereby further amended by omitting from its title the words “and borstal detention”.

(2) Sections 18 to 20, 29, and 33B of the principal Act are hereby repealed, and the subheading "*Borstal Training*" is consequentially omitted from Part II of the principal Act.

(3) The principal Act and other enactments specified in the Second Schedule to this Act are hereby consequentially amended in the manner indicated in that Schedule.

11. Terms of office of members of Parole Boards—

(1) Section 31 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

"(4A) Notwithstanding subsection (3) of this section, every member of a Parole Board shall, unless he sooner dies, or resigns, or is removed from office under any of the foregoing provisions of this section, continue in office until his successor is appointed notwithstanding the expiry of his term of office."

(2) Subsection (1) of this section shall be deemed to have come into force on the 1st day of November 1961 (being the date of the commencement of section 4 of the Criminal Justice Amendment Act 1961).

12. Transitional provisions consequent upon the abolition of borstal training—

(1) Subject to subsections (2) to (4) of this section, where at the commencement of this Part of this Act any person is subject to a sentence of borstal training the principal Act shall continue to apply to him as if this Act had not been passed and this Part of this Act had not come into force.

(2) For as long as the purposes of this section so require, Borstal Parole Boards shall continue to subsist and to function as if this Act had not been passed and this Part of this Act had not come into force.

(3) Where after the coming into force of this Part of this Act an offender who is undergoing borstal training is for the purposes of this section entitled under subsection (2) of section 33B of the principal Act to have his case considered by a Borstal Parole Board, the Board shall, in addition to considering the matters specified in subsection (6) of section 33B, consider the desirability that the trainee should not serve a longer term in custody than the maximum term that he could have been sentenced to had he not in fact been sentenced to borstal training.

(4) Where—

- (a) On the coming into force of this Part of this Act an offender has been released on probation from a borstal institution under section 35 of the principal Act and the term of his probation has not expired; or
- (b) After the commencement of this Act an offender is released on probation from a borstal institution under section 35 of the principal Act, section 36 and subsection (3) of section 39 of the principal Act shall not apply.

(5) Where after the coming into force of this Part of this Act any offender who is subject to a sentence of borstal training is detained in a hospital pursuant to a reception order made on application under section 42 of the Mental Health Act 1969 or is otherwise detained pursuant to section 43 of that Act, the Borstal Parole Board shall consider the case of the offender as though he were detained in a borstal institution and the provisions of this section shall apply.

PART III

MISCELLANEOUS AMENDMENTS

13. New Part IA (relating to general restrictions on detention) inserted in principal Act—(1) The principal Act is hereby further amended by inserting, after Part I, the following Part:

“PART IA

“GENERAL RESTRICTIONS ON DETENTION

“13A. **No detention without legal representation—**(1) No Court shall sentence to any form of detention, other than periodic detention, any person who has not been legally represented in the Court unless—

“(a) He applied for legal aid, but his application was refused, and, having had the opportunity to engage legal representation by his own means, he refused or failed to do so; or

“(b) He has not applied for legal aid, but the Court is satisfied that—

“(i) His means are such that legal aid would not be granted; and

“(ii) Having had the opportunity to engage legal representation by his own means, he refused or failed to do so; or

“(c) The Court is satisfied that—

“(i) Having been informed of his rights in respect of legal aid; and

“(ii) Having fully understood those rights; and

“(iii) Having had the opportunity to exercise those rights—

he refused or failed to apply for legal aid.

“(2) For the purposes of this section,—

“‘Legal aid’ means legal aid within the meaning of the Offenders Legal Aid Act 1954:

“‘Legal representation’ means, in relation to any person in Court, the assistance in Court of a counsel or solicitor to represent that person in the proceedings before the Court at some time before the person has pleaded guilty or has been found guilty; and ‘to be legally represented’ has a corresponding meaning.

“13B. **General restrictions on imprisonment**—In determining the most suitable method of dealing with any person convicted of an offence punishable by imprisonment, the Court—

“(a) In each case, shall have regard to the desirability of keeping offenders in the community so far as this is practicable and consonant with the safety of the community; and

“(b) In the case of any person less than 20 years of age, shall have further regard to the undesirability of sentencing persons of that age to imprisonment if the sentence would be for any term, being less than 3 months, that could be served in a prison that is not a youth prison.”

(2) Subsection (1) of section 14 of the principal Act and section 43A of the principal Act (as inserted by section 10 of the Criminal Justice Amendment Act 1967) are hereby consequentially repealed.

(3) Section 10 of the Criminal Justice Amendment Act 1967 is hereby consequentially repealed.

(4) The second proviso to section 101 of the Summary Proceedings Act 1957 (as substituted by section 12 of the Summary Proceedings Amendment Act 1973) is hereby consequentially repealed.

14. Court to consider report of probation officer before passing sentence of borstal training—Section 19 (1) of the principal Act (as amended by section 30 (d) of the Depart-

ment of Social Welfare Act 1971) is hereby amended by omitting the words “, other than a Children’s Court,”; and also by omitting the words “or by a Social Worker appointed under the Child Welfare Act 1925”.

15. Functions of Prisons Parole Board—(1) Section 33A of the principal Act (as inserted by section 4 of the Criminal Justice Amendment Act 1961 and amended by section 7 (1) (a) of the Criminal Justice Amendment Act 1967, is hereby further amended by omitting from paragraph (a) of subsection (1) the words “or for a term of not less than 6 years”, and substituting the words “or for a term of not less than 5 years”.

(2) The said section 33A (as amended by section 26 (1) of the Criminal Justice Amendment Act 1962) is hereby further amended by omitting from paragraph (c) of subsection (2) the words “10 years”, and substituting the words “7 years”.

(3) The said section 33A (as amended by section 7 (2) of the Criminal Justice Amendment Act 1967) is hereby further amended by repealing paragraph (e) of subsection (2), and substituting the following paragraph:

“(e) In the case of every offender undergoing imprisonment for a term of not less than 5 years, as soon as may be practicable after the expiry of—

“(i) Half the term of the sentence imposed on him; or

“(ii) Three years and 6 months from the date of his reception in the prison in respect of that term—whichever period expires the sooner, and at least once in every period of 12 months thereafter.”

(4) The said section 33A (as amended by section 26 (2) of the Criminal Justice Amendment Act 1962 and section 7 (1) (c) of the Criminal Justice Amendment Act 1967) is hereby further amended by omitting from subsection (4) the words “or for a term of not less than 6 years”, and substituting the words “or for a term of not less than 5 years”.

(5) The said section 33A (as amended by section 7 (1) (d) of the Criminal Justice Amendment Act 1967) is hereby further amended by omitting from subsection (5) the words “less than 6 years”, and substituting the words “less than 5 years”.

(6) The said section 33A is hereby further amended by inserting, after subsection (5), the following subsection:

“(5A) Notwithstanding anything in subsections (1) to (5) of this section, the Board shall consider the case of any class of persons undergoing a sentence of imprisonment that the Minister designates as a class to be considered by the Board.”

(7) The said section 33A is hereby further amended by adding the following subsection:

“(10) For the purposes of this section, cumulative terms of imprisonment shall be deemed to be one term; and where an offender who was not previously entitled to have his case considered under this section becomes so entitled by virtue of the imposition of a cumulative sentence and the period prescribed by paragraph (e) of subsection (2) of this section has already expired, his case shall be considered by the Board at its next meeting.”

(8) Paragraphs (a), (c), and (d) of subsection (1) and subsection (2) of section 7 of the Criminal Justice Amendment Act 1967 are hereby consequentially repealed.

16. Compensation to victims of offences occasioning physical harm—The principal Act is hereby further amended by inserting, after section 45, the following section:

“45A. (1) Where any person is convicted of any offence arising out of any act or omission that occasioned physical harm to any other person (whether or not the occasioning of physical harm constitutes a necessary element of the offence at law) and the Court imposes a fine on the offender, then, subject to subsection (2) of this section, the Court may, in its discretion, award by way of compensation to the victim such portion of the fine, not exceeding one half, as it thinks fit.

“(2) No award of compensation may be made under subsection (1) of this section unless the Court is of the opinion that the act or omission—

“(a) Was unprovoked; and

“(b) Caused bodily injury to the victim.

“(3) An order of the Court made under this section shall be sufficient authority for the Registrar receiving the fine to pay the portion specified in the order to the person entitled to it under the order.

“(4) An award of compensation under this section shall not affect the right of the person entitled to it—

“(a) To receive compensation under the Accident Compensation Act 1972; and

“(b) To recover by civil proceedings damages in excess of the amount of the award.

“(5) Section 6 of the Police Offences Amendment Act (No. 2) 1952 is hereby consequentially repealed.”

17. Publication of names in criminal proceedings—(1) The principal Act is hereby further amended by inserting, after section 45A (as inserted by section 16 of this Act), the following sections:

“45B. Prohibition against publication of names of persons accused of offences unless Court otherwise orders—(1) Unless the Court by order otherwise permits, no person shall publish, in any report relating to any proceedings commenced in any Court after the commencement of this section in respect of any offence, the name of the person accused of the offence or any particulars likely to lead to his identification unless and until that person is found guilty of the offence with which he is charged, or of any other offence of which he is liable to be convicted in the proceedings, and a conviction is entered against him by the Court.

“(2) Any person accused of any offence in respect of which proceedings are commenced after the commencement of this section may apply to the Court at any time (whether before or after the completion of the proceedings) for an order permitting the publication, in any report relating to the proceedings, of his name and any particulars likely to lead to his identification, and the Court shall make such order accordingly.

“(3) In any case to which subsection (1) of this section applies an order permitting the publication, in any report relating to the proceedings, of the name of the accused person and any particulars likely to lead to his identification may be made by the Court—

“(a) On its own motion; or

“(b) On the application of the prosecutor or, as the case may require, the informant; or

“(c) On the written application of any member of the public who believes on reasonable grounds that he or any member of his family may be personally prejudiced if the name of the accused person cannot be published.

“(4) Every application made for the purposes of paragraph (c) of subsection (3) of this section, together with 1 copy thereof, shall be filed with the Registrar of the Court in which the proceedings are to be or are being conducted. The Registrar shall forthwith send the copy of the application to the defendant or his counsel or solicitor, and shall refer the application to the Judge or Magistrate before whom the proceedings are to be or are being conducted. Subject to subsection (5) of this section, the Judge or Magistrate may determine the application forthwith, or call for such further information or argument as he thinks fit before determining the application.

“(5) No order may be made under subsection (3) of this section unless the Court has given the accused person an opportunity to be heard.

“(6) Subject to subsection (2) of this section, the Court shall not make an order permitting the publication of the name of the accused person or any particulars likely to lead to his identification unless, having regard to—

“(a) The nature of the charge; and

“(b) Any special circumstances of the case; and

“(c) The likelihood of further evidence relating to the proceedings being offered by members of the public if publication is permitted; and

“(d) The stage that the proceedings have reached; and

“(e) Any other relevant matters,—

the Court is satisfied that the interests of the general public, or any member of the general public who, because of his residential address, occupation, or other personal circumstances may be suspected of having committed the offence concerned, clearly outweigh the interests of the accused person or of any member of his family or of any other person in having the information not published.

“(7) Every person who publishes any name or particular in contravention of subsection (1) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$500.

“45c. Prohibition against publication of names in specified sexual cases—(1) No person shall publish, in any report relating to any proceedings commenced in any Court after the commencement of this section in respect of an offence against any of sections 128 to 134 or sections 136 to 142 of the Crimes Act 1961, the name of any child under the

age of 16 years upon or with whom the offence has been or is alleged to have been committed, or any name or particulars likely to lead to the identification of that child.

“(2) No person shall publish, in any report relating to proceedings commenced in any Court after the commencement of this section in respect of an offence against section 130 or section 131 of the Crimes Act 1961, the name of the person convicted of the offence or any name or particulars likely to lead to his identification.

“(3) Every person who publishes any name or particular in contravention of subsection (1) or subsection (2) of this section commits an offence and is liable on summary conviction to a fine not exceeding \$500.

“45D. **Publication by or at request of Police**—Nothing in section 45B or section 45C of this Act shall prevent the publication by or at the request of any member of the Police of the name of any person who has escaped from lawful custody or has failed to attend any Court when lawfully required to do so, or of any particulars likely to lead to his identification, if that publication is made for the purpose of facilitating that person’s recapture or arrest.”

(2) Section 46 of the principal Act is hereby amended by—

(a) Omitting from subsection (1) the words “accused or”:

(b) Omitting from subsection (6) the expression “\$100”, and substituting the expression “\$500”.

(3) Section 61 of the Transport Act 1962 is hereby consequentially amended by omitting the words “accused persons or of reports or accounts of their arrest, trial, conviction, or release on probation”, and substituting the words “persons convicted of offences”.

18. Warrant of commitment where punishment is imprisonment or detention, etc.—(1) Section 50 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Every warrant issued under this section shall include a statement as to whether the offender has or has not been previously sentenced to any form of detention other than periodic detention, and if he has not, whether he was legally represented or not within the meaning of section 13A of this Act. If the offender has not been previously sentenced

to any form of detention other than periodic detention and if he was not legally represented the warrant shall state the way in which the requirements of section 13A of this Act have been satisfied.”

(2) Section 71 of the Summary Proceedings Act 1957 is hereby consequentially amended by inserting, after subsection (1), the following subsection:

“(1A) A statement of the way in which the requirements of section 13A of the Criminal Justice Act 1954 (as inserted by section 13 of the Criminal Justice Amendment Act 1975) have been satisfied shall be entered in the Criminal Record Book of each Court in respect of all proceedings under its criminal jurisdiction.”

19. Establishment of work centres—(1) Section 4 of the Criminal Justice Amendment Act 1962 is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Every notice given under this section declaring any land or building or any part of any land or building to be a work centre shall specify whether the work centre is to be a residential work centre or not, whether it is to be used for male offenders or for female offenders or for both, and the age limits at the time of sentence of those offenders who may be required to report there.”

(2) Section 3 of the Criminal Justice Amendment Act 1962 is hereby consequentially amended by inserting, after the definition of the term “fine”, the following definition:

“‘Residential work centre’ means a work centre in which offenders may be detained overnight:”.

(3) Section 5 of the Criminal Justice Amendment Act 1962 is hereby consequentially amended by inserting, after the word “every”, the word “residential”, and also by omitting the word “overnight”.

20. Sentence of periodic detention not to be imposed in certain cases—(1) Section 14 of the Criminal Justice Amendment Act 1962 is hereby amended by omitting from subsection (1) the words “shall sentence any person who is under 21 years of age to periodic detention”, and substituting the words “sentencing a person to periodic detention shall require him to report to a residential work centre”.

(2) The said section 14 is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) No Court shall sentence any person to periodic detention unless the work centre, appropriate to his age, sex, and record of previous sentences, at which he would be required to report is, having regard to the means of transport available to him, within reasonable distance of his place of residence.”

(3) Section 2 of the Criminal Justice Amendment Act 1962 is hereby consequentially amended by omitting the words “Council; and shall apply with respect to such Courts and to such classes of offenders as are from time to time specified by the Governor-General by Order in”.

(4) The following enactments are hereby consequentially repealed:

(a) Section 7 (c) of the Criminal Justice Amendment Act 1966:

(b) Section 4 of the Criminal Justice Amendment Act 1970.

21. Work to be performed by offenders—Section 18 of the Criminal Justice Amendment Act 1962 is hereby amended by repealing subsection (5), and substituting the following subsection:

“(5) A person directed to work pursuant to this section shall not be entitled to any remuneration, nor shall he accept any remuneration, whether by way of gift or otherwise, in respect of that work.”

22. Offences—Section 21 of the Criminal Justice Amendment Act 1962 is hereby amended by adding to subsection (1) the following paragraph:

“(h) Accepts remuneration, whether by way of gift or otherwise, in respect of any work that he is directed to do while he is in the legal custody of the Warden.”

23. New schedule substituted—The principal Act is hereby amended by repealing the First Schedule, and substituting the First Schedule set out in the Third Schedule to this Act.

SCHEDULES

FIRST SCHEDULE

Section 8

ENACTMENTS AMENDED CONSEQUENTIAL ON ABOLITION OF THE SENTENCE OF DETENTION IN A DETENTION CENTRE AND ON INTRODUCTION OF CORRECTIVE TRAINING

Enactment Amended	Amendment
<p>1954, No. 50—The Criminal Justice Act 1954</p>	<p>By repealing the definition of the term “detention centre” in subsection (1) of section 2.</p> <p>By omitting from subsection (2) of section 12 the words “detention in a detention centre”, and substituting the words “corrective training”.</p> <p>By omitting from the heading to Part III the words “Corrective Training and”, and also by omitting from that Part the subheading “Corrective Training”.</p> <p>By repealing subsection (3A) of section 35, and substituting the following subsection: “(3A) Subject to the provisions of this Part, where any offender detained under a sentence of corrective training is released from detention, whether before or at the expiry of the maximum term for which he is liable to be detained under the sentence, he shall be on probation for 1 year from the time of his release.”</p> <p>By omitting from subsection (1) of section 38 the words “or under section 16 of this Act”, and substituting the words “or under section 14A of this Act”.</p> <p>By omitting from subsection (1) of section 43 the words “detention in a detention centre”, and substituting the words “corrective training”.</p> <p>By omitting from subsection (1) of section 50 the words “detention in a detention centre”, and substituting the words “corrective training”.</p>
<p>1957, No. 87—The Summary Proceedings Act 1957</p>	<p>By omitting from paragraph (c) of subsection (3) of section 100 the words “detention in a detention centre”, and substituting the words “corrective training for a term of 3 months”.</p>

FIRST SCHEDULE—*continued*ENACTMENTS AMENDED CONSEQUENTIAL ON ABOLITION OF THE SENTENCE OF DETENTION IN A DETENTION CENTRE AND ON INTRODUCTION OF CORRECTIVE TRAINING—*continued*

Enactment Amended	Amendment
1957, No. 87—The Summary Proceedings Act 1957— <i>continued</i>	<p>By omitting from subsection (5) of section 100 the words “and sections 16 to 17 (relating to detention in a detention centre)”, and substituting the words “and to sections 14A to 14D (relating to corrective training)”.</p> <p>By omitting from subsection (8) the words “detention in a detention centre”, and substituting the words “corrective training for a term of 3 months”.</p>
1960, No. 116—The Criminal Justice Amendment Act 1960	<p>By repealing section 4.</p> <p>By repealing section 8.</p>
1962, No. 29—The Criminal Justice Amendment Act 1962	<p>By omitting from paragraph (a) of subsection (1) of section 14 the words “detention in a detention centre”, and substituting the words “corrective training”.</p> <p>By omitting from section 22 the words “detention in a detention centre”, and substituting the words “corrective training”.</p>
1967, No. 48—The Criminal Justice Amendment Act 1967	<p>By repealing section 4.</p>
1968, No. 62—The Domestic Proceedings Act 1968	<p>By omitting from the First Schedule so much of that Schedule as relates to section 16 of the principal Act.</p>

SECOND SCHEDULE

Section 10 (3)

ENACTMENTS AMENDED CONSEQUENTIAL ON ABOLITION
OF BORSTAL TRAINING

Enactment Amended	Amendment
1954, No. 50—The Criminal Justice Act 1954	<p>By omitting from subsection (1) of section 12 the words “to borstal training, or”.</p> <p>By repealing subsection (2) of section 31.</p> <p>By omitting from subsection (3) of section 31 the words “a Parole Board”, and substituting the words “the Board”; and also by omitting from that subsection the words “or the Superintendent of a borstal institution”.</p> <p>By repealing subsection (3A) of section 31.</p> <p>By omitting from subsection (4) of section 31 the words “a Parole Board”, and substituting the words “the Board”; and also by omitting from that subsection the words “or paragraph (d) of subsection (2) of this section”.</p> <p>By omitting from subsection (4A) of section 31 (as inserted by section 11 of this Act) the words “a Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from subsection (5) of section 31 the words “a Parole Board” in both places where they occur, and substituting in each place the words “the Board”; and also by omitting from that subsection the words “or under paragraph (a) or paragraph (b) of subsection (2) of this section”.</p> <p>By repealing subsection (7) of section 31.</p> <p>By repealing subsection (7A) of section 31.</p> <p>By omitting from subsection (8) of section 31 the words “a Parole Board”, and substituting the words “the Board”; and also by omitting from that subsection the words “and, in the case of a Borstal Parole Board, to be the Deputy Chairman of it”; and also by omitting from that subsection the words “and, in the case of a Borstal Parole Board, of his authority to act as Deputy Chairman at the meeting”.</p> <p>By repealing subsection (8A) of section 31.</p> <p>By omitting from subsection (9) of section 31 the words “Every Parole Board”, and substituting the words “The Board”.</p> <p>By omitting from subsection (10) of section 31 the words “a Parole Board”, and substituting the words “the Board”.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED CONSEQUENTIAL ON ABOLITION
OF BORSTAL TRAINING—*continued*

Enactment Amended	Amendment
1954, No. 50—The Criminal Justice Act 1954— <i>continued</i>	<p>By repealing subsection (2) of section 32.</p> <p>By omitting from subsection (1) of section 33 the words “a Parole Board”, and substituting the words “the Prisons Parole Board”.</p> <p>By omitting from subsection (2) of section 33 the words “the Prisons Parole Board”, and substituting the words “the Board”.</p> <p>By repealing subsection (3) of section 33.</p> <p>By omitting from subsection (4) of section 33 the words “a Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from subsection (2) of section 33A the words “the Prisons Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from subsection (3) of section 33A the words “the Prisons Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from subsection (4) of section 33A the words “the Prisons Parole Board” in each place where they occur, and substituting in each case the words “the Board”.</p> <p>By omitting from subsection (5) of section 33A the words “the Prisons Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from subsection (7) of section 33A the words “The Prisons Parole Board”, and substituting the words “The Board”.</p> <p>By omitting from subsection (8) of section 33A the words “the Prisons Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from subsection (9) of section 33A the words “the Prisons Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from paragraph (b) of subsection (2) of section 34 the words “The Prisons Parole Board”, and substituting the words “The Board”.</p> <p>By omitting from subsection (1) of section 35 the words “is detained under a sentence of borstal training, or”.</p> <p>By repealing paragraph (a) of subsection (1) of section 35.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED CONSEQUENTIAL ON ABOLITION
OF BORSTAL TRAINING—*continued*

Enactment Amended	Amendment
1954, No. 50—The Criminal Justice Act 1954— <i>continued</i>	<p>By omitting from subsection (3) of section 35 the words “is detained under a sentence of borstal training, or”.</p> <p>By repealing subsection (2) of section 36.</p> <p>By omitting from subsection (3) of section 36 the words “the Prisons Parole Board”, and substituting the words “the Board”.</p> <p>By omitting from subsection (2) of section 37 the words “borstal training,”.</p> <p>By repealing subsection (7A) of section 38.</p> <p>By omitting from subsection (8) of section 38 the words “or a Borstal Parole Board”.</p> <p>By omitting from subsection (10) of section 38 the words “or a Borstal Parole Board”.</p> <p>By omitting from subsection (1) of section 43 the words “borstal training,”.</p> <p>By omitting from subsection (1) of section 50 the words “or of borstal training,”.</p> <p>By repealing section 2.</p>
1955, No. 68—The Criminal Justice Amendment Act 1955	
1961, No. 45—The Criminal Justice Amendment Act 1961	<p>By omitting from the First Schedule so much of that Schedule as relates to section 20, paragraph (b) of subsection (2) of section 34, and subsections (7A), (8), and (10) of section 38 of the principal Act.</p>
1962, No. 29—The Criminal Justice Amendment Act 1962	<p>By repealing subsections (1) and (3) of section 25.</p>
1963, No. 35—The Criminal Justice Amendment Act 1963	<p>By repealing section 2.</p> <p>By repealing subsections (1), (2), (3), and (5) of section 3.</p> <p>By repealing section 4.</p> <p>By repealing subsection (1) of section 5.</p> <p>By repealing the Schedule.</p>
1966, No. 99—The Criminal Justice Amendment Act 1966	<p>By repealing section 2.</p> <p>By repealing section 4.</p>

Section 23

THIRD SCHEDULE

NEW FIRST SCHEDULE SUBSTITUTED IN PRINCIPAL ACT

Section 54 (4)

"FIRST SCHEDULE

ENACTMENTS AMENDED

Title of Act	Nature of Amendment
1908, No. 165—The River Boards Act 1908 (1957 Reprint, Vol. 13, p. 397)	<p>By repealing section 29 (b), and substituting the following paragraphs:</p> <p>“(b) Any person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p> <p>“(bb) Any person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”.</p> <p>By adding to section 29, as subsections (2) and (3), the following subsections:</p> <p>“(2) In any case to which paragraph (b) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1908, No. 165—The River Boards Act 1908 (1957 Reprint, Vol. 13, p. 397)— <i>continued</i>	<p>“(3) In any case to which paragraph (bb) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 36, after the word “disqualified,” the words “or while on leave of absence pursuant to subsection (2) or subsection (3) of section 29 of this Act,”.</p>
1914, No. 32—The Local Railways Act 1914 (1931 Reprint, Vol. VII, p. 941)	<p>By repealing section 16 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 16, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which paragraph (e) of subsection (1) of this section applies—</p>

THIRD SCHEDULE—*continued*"FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1914, No. 32—The Local Railways Act 1914 (1931 Reprint, Vol. VII, p. 941)—<i>continued</i></p>	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (ee) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 16, after the word “section,”, the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section,”.</p>

THIRD SCHEDULE—*continued*"FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1920 (Local), No. 15— The Christchurch Tramway District Act 1920	<p>By repealing section 22 (e), and substituting the following paragraphs:</p> <p>“(e) Any person who is convicted of an offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p> <p>“(ee) Any person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence:”.</p> <p>By adding to section 22, as subsections (2) and (3), the following subsections:</p> <p>“(2) In any case to which paragraph (e) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p>

THIRD SCHEDULE—continued
“FIRST SCHEDULE—continued
ENACTMENTS AMENDED—continued

Title of Act	Nature of Amendment
1920 (Local), No. 15— The Christchurch Tramway District Act 1920— <i>continued</i>	<p>“(3) In any case to which paragraph (ee) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By omitting from section 23 the words “Any disqualified person who shall act as a member of the Board”, and substituting the words “Any person who acts as a member of the Board while disqualified, or while on leave of absence pursuant to subsection (2) or subsection (3) of section 22 of this Act,”.</p>
1921 (Local), No. 17— The Auckland Electric-power Board Act, 1921-22	<p>By repealing section 12 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 12, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which paragraph (e) of subsection (1) of this section applies—</p>

THIRD SCHEDULE—continued
“FIRST SCHEDULE—continued
ENACTMENTS AMENDED—continued

Title of Act	Nature of Amendment
<p>1921 (Local), No. 17— The Auckland Electric-power Board Act, 1921-22—<i>continued</i></p>	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (ee) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 12, after the word “section,” the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section,”.</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1925, No. 38—The Electric Power Boards Act, 1925 (1957 Reprint, Vol. 4, p. 441)</p>	<p>By repealing section 22 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 22, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which paragraph (e) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (ee) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1925, No. 38—The Electric Power Boards Act, 1925 (1957 Reprint, Vol. 4, p. 441)— <i>continued</i>	<p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 22, after the word “section”, the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section”.</p>
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)	<p>By repealing section 55 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 55, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which paragraph (e) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)— <i>continued</i>	<p>“(1B) In any case to which paragraph (ee) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p>
1944 (Local), No. 7—The Hawke’s Bay Crematorium Act 1944	<p>By inserting in subsection (2) of section 55, after the word “section”, the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section”.</p> <p>By repealing section 10 (1) (f) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(f) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ff) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 10, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which paragraph (f) of subsection (1) of this section applies—</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1944 (Local), No. 7— The Hawke’s Bay Crematorium Act 1944 —<i>continued</i></p>	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (ff) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p>
<p>1947, No. 35—The Masterton Licensing Trust Act 1947 (Re- printed 1969, Vol. 4, p. 2399)</p>	<p>By repealing section 14 (1) (f), and substituting the following paragraphs:</p> <p>“(f) A person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the sentence imposed on him:</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1947, No. 35—The Masterton Licensing Trust Act 1947 (Reprinted 1969, Vol. 4, p. 2399)— <i>continued</i>	<p>“(g) A person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 14, after subsection (1) (as so amended), the following subsections:</p> <p>“(1A) In any case to which paragraph (f) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (g) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p>

THIRD SCHEDULE—continued
“FIRST SCHEDULE—continued
ENACTMENTS AMENDED—continued

Title of Act	Nature of Amendment
1947, No. 35—The Masterton Licensing Trust Act 1947 (Reprinted 1969, Vol. 4, p. 2399)— <i>continued</i>	<p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 14 (3), after the word “thereof,” the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section,”.</p>
1949, No. 43—The Licensing Trusts Act 1949 (Reprinted 1969, Vol. 3, p. 2285)	<p>By repealing section 14 (1) (f), and substituting the following paragraphs:</p> <p>“(f) A person who is convicted of an offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the sentence imposed on him:</p> <p>“(g) A person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 14, after subsection (1) (as so amended), the following subsections:</p> <p>“(1A) In any case to which paragraph (f) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1949, No. 43—The Licensing Trusts Act 1949 (Reprinted 1969, Vol. 3, p. 2285)—<i>continued</i></p>	<p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (g) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 14 (3), after the word “thereof,” the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section,”.</p>
<p>1950, No. 33—The Invercargill Licensing Trust Act 1950 (Reprinted 1969, Vol. 3, p. 1559)</p>	<p>By repealing section 15 (1) (f), and substituting the following paragraphs:</p> <p>“(f) A person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1950, No. 33—The Invercargill Licensing Trust Act 1950 (Reprinted 1969, Vol. 3, p. 1559)—<i>continued</i></p>	<p>“(g) A person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 15, after subsection (i) (as so amended), the following subsections:</p> <p>“(1A) In any case to which paragraph (f) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (g) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1950, No. 33—The Invercargill Licensing Trust Act 1950 (Reprinted 1969, Vol. 3, p. 1559)— <i>continued</i>	<p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p>
1950, No. 34—The Harbours Act 1950 (Reprinted 1966, Vol. 3, p. 2395)	<p>By inserting in section 15 (3), after the word “thereof,” the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section,”.</p> <p>By repealing section 31 (1) (f), and substituting the following paragraphs:</p> <p>“(f) Any person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p> <p>“(g) Any person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 31, after subsection (1) (as so amended) the following subsections:</p> <p>“(1A) In any case to which paragraph (f) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1950, No. 34—The Harbours Act 1950 (Reprinted 1966, Vol. 3, p. 2395)— <i>continued</i>	<p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (g) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 32 (2), after the word “thereof”, the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section”.</p>
1957, No. 40—The Hospitals Act 1957 (Reprinted 1970, Vol. 3, p. 1865)	<p>By repealing section 34 (1) (d), and substituting the following paragraphs:</p> <p>“(d) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*”ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1957, No. 40—The Hospitals Act 1957 (Reprinted 1970, Vol. 3, p. 1856)—<i>continued</i></p>	<p>By inserting in section 34, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which paragraph (d) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which paragraph (e) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 34, after the word “thereof,”, the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section,”.</p>

THIRD SCHEDULE—*continued*"FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1967, No. 147—The Agricultural Pests Destruction Act 1967	<p>By repealing section 48 (1) (g), and substituting the following paragraphs:</p> <p>“(g) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(h) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 48, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which paragraph (g) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence</p> <p>“(1B) In any case to which paragraph (h) of subsection (1) of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p>

THIRD SCHEDULE—*continued*“FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
1967, No. 147—The Agricultural Pests Destruction Act 1967— <i>continued</i>	<p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1c) If any person does any act as a member of the Board after his office has become vacant under subsection (1) of this section, except under paragraph (e) of that subsection, or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section, he commits an offence and is liable on summary conviction to a fine not exceeding \$100.”</p>

This Act is administered in the Department of Justice.
