



## ANALYSIS

Title  
1 Short Title

2 Power of Court to discharge offender  
without conviction or sentence  
3 Power of Court to convict and discharge  
offender

1985, No. 83

**An Act to amend the Criminal Justice Act 1954**

[11 June 1985]

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**—This Act may be cited as the Criminal Justice Amendment Act (No. 2) 1985, and shall be read together with and deemed part of the Criminal Justice Act 1954 (hereinafter referred to as the principal Act).

**2. Power of Court to discharge offender without conviction or sentence**—Section 42 (6) of the principal Act is hereby repealed.

**3. Power of Court to convict and discharge offender**—The principal Act is hereby amended by inserting, after section 42, the following section:

“42A. (1) Any court before which an offender appears for sentence may, after inquiry into the circumstances of the case, including the nature of the offence and the character of the offender, instead of passing sentence, direct that the offender be discharged, unless by any enactment applicable to the offence a minimum penalty is expressly provided for.

“(2) A court discharging an offender under this section may make any order for the payment of costs or for the restitution

of any property that it could have made under any enactment applicable to the offence of which the offender was convicted if it had sentenced the offender, and the provisions of every such enactment shall apply accordingly.”

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This Act is administered in the Department of Justice