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Mr. Wilford.

CRIMES AMENDMENT.

ANALYSIS.

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| Title. | |
| 1. Short Title. | 3. Section 443 of principal Act amended. |
| 2. Right of appeal from sentences passed on criminals by Supreme Court. Jurisdiction of Court of Appeal in such cases. | 4. Section 448 of principal Act amended. 5. Applicant may be ordered to pay costs if motion for leave to appeal dismissed. |

A BILL INTITULED

AN ACT to amend the Crimes Act, 1908.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Crimes Amendment Act, 1919, and shall be read together with and deemed part of the Crimes Act, 1908 (hereinafter referred to as the principal Act).

Short Title.

10 2. (1.) Any person convicted on indictment of a crime or sentenced for any crime on a plea of "Guilty" in pursuance of section one hundred and seventy-six of the Justices of the Peace Act, 1908, may, with the leave of the Court of Appeal, appeal to that Court against his sentence on the ground that it is excessive, unless the sentence is one fixed by law.

Right of appeal from sentences passed on criminals by Supreme Court.

15 (2.) On any such appeal the Court of Appeal may, if it thinks that a different sentence should have been passed, quash the sentence so passed and pass any other sentence warranted by law, whether more or less severe, in substitution therefor, and in any other case shall dismiss the appeal.

Jurisdiction of Court of Appeal in such cases.

20 (3.) The order of the Court of Appeal shall be certified under the hand of the presiding Judge to the proper officer of the Supreme Court, and shall be carried into effect as if the sentence so passed by the Court of Appeal had been passed by the Supreme Court.

25 3. (1.) Section four hundred and forty-three of the principal Act is hereby amended by omitting from subsection one thereof all words after the word "may," and substituting therefor the words "move the Court of Appeal for leave to appeal as hereinafter provided."

Section 443 of principal Act amended.

(2.) Section four hundred and forty-three of the principal Act is hereby further amended by repealing subsections two and three thereof, and by omitting from subsection six the words "with the leave in writing of the Attorney-General."

Section 448 of principal Act amended.

4. Section four hundred and forty-eight of the principal Act is hereby amended by omitting from subsection two thereof the words "that he has given leave to move the Court of Appeal," and substituting the words "that an appeal or a motion for leave to appeal is pending in the Court of Appeal." 5

Applicant may be ordered to pay costs if motion for leave to appeal dismissed.

5. (1.) When a motion for leave to appeal against a sentence or conviction has been dismissed the Court of Appeal may, if it thinks fit, order the applicant to pay to the other party to the prosecution the costs of the motion. 10

(2.) Any such order shall be certified under the hand of the presiding Judge, and the certificate shall be filed in the Supreme Court, and shall thereupon have the effect of a judgment in an action, and execution may issue thereon accordingly. 15