

Hon. Dr. McNab.

PRISONERS' DETENTION.

ANALYSIS.

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A BILL INTITULED

AN ACT for the Detention and Cure of Prisoners suffering from certain Diseases.

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 Prisoners' Detention Act, 1915. Short Title.
- 2. In this Act, if not inconsistent with the context,— Interpretation.
 - "Contagious disease" means venereal disease, including gonorrhœa:
 - "Convicted" means convicted, whether summarily or otherwise, of an offence punishable by imprisonment.
- 3. (1.) The Governor may from time to time, by Proclamation, Proclamation of prison hospitals. declare any hospital, or any part of a hospital or of a prison or police-gaol, to be a prison hospital for the purposes of this Act, and may in like manner revoke or vary any such Proclamation.
- (2.) Every hospital so proclaimed shall be deemed to be a prison within the meaning of the Prisons Act, 1908, and persons detained therein shall be deemed to be convicted criminal prisoners within the meaning of that Act.
- (3.) For every prison hospital there shall be appointed a medical officer.
- 4. (1.) Where the surgeon of a prison or a police surgeon certifies in writing to the Minister of Justice that a convicted Certain convicted prisoners may be committed to prison hospital. prisoner detained in a prison or police-gaol is suffering from contagious disease, such prisoner may be brought before a Magistrate in Chambers, and, on proof that such prisoner is so suffering, the Magistrate may order that he be detained in a prison hospital until discharged therefrom in pursuance of this Act.
- (2.) An order under this section shall be sufficient authority to the Gaoler of the prison or the officer in charge of the police-gaol to

remove the prisoner to the prison hospital named in the order, and for his detention therein in pursuance of the order subject to the provisions of this Act.

(3.) The period of such detention shall run concurrently with, but may exceed, the term of imprisonment to which the prisoner has been sentenced. 5

Appeal.

5. (1.) Any prisoner against whom an order has been made as aforesaid may, on notice as prescribed, appeal therefrom to a Judge of the Supreme Court in Chambers.

(2.) Notice of appeal shall not operate as a stay of the order of the Magistrate. 10

(3.) The Judge before whom the appeal is heard may, by his order confirm, vary, or set aside the order appealed from.

Discharge when cured.

6. It shall be the duty of the medical officer of a prison hospital, as soon as in his opinion any person detained in the hospital under this Act is free from contagious disease, to so report to the Minister of Justice, and thereupon such person shall be discharged from the hospital, and, unless his sentence has sooner expired, be remitted to custody to serve the remainder of his sentence. 15

Regulations.

7. (1.) The Governor may from time to time, by Order in Council gazetted, make regulations for carrying out the provisions of this Act, and may in such regulations impose a fine not exceeding *twenty* pounds for any breach thereof. 20

(2.) All such regulations shall within fourteen days after publication thereof in the *Gazette* be laid before Parliament if then sitting, and if not, then within fourteen days after the commencement of the next ensuing session. If within *twenty-eight* days after such regulations have been laid before Parliament either House of Parliament passes a resolution disallowing any regulation, that regulation shall thereupon cease to have effect. 25 30