



# Criminal Justice Amendment Regulations 2000

Michael Hardie Boys, Governor-General

## Order in Council

At Wellington this 21st day of August 2000

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 149 of the Criminal Justice Act 1985, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

### Contents

1	Title		<b>Schedule</b>
2	Commencement		<b>New form 11B substituted</b>
3	New form 11B substituted		

## Regulations

### 1 Title

- (1) These regulations are the Criminal Justice Amendment Regulations 2000.
- (2) In these regulations, the Criminal Justice Regulations 1985<sup>1</sup> are called “the principal regulations”.

<sup>1</sup> SR 1985/232

## 2 Commencement

These regulations come into force on 1 October 2000.

## 3 New form 11B substituted

The First Schedule of the principal regulations is amended by revoking form 11B, and substituting the form 11B set out in the Schedule.

r 3

---

## Schedule New form 11B substituted

### Form 11B Release on licence

(Sections 107F and 107I, Criminal Justice Act 1985)

TO [*Full name*]

Today, [*Date*] you are released from the \*corrective training institution \*prison at [*Place*] where you have been serving a sentence of \*corrective training \*imprisonment for a term of [*Length of term of imprisonment*] \*imprisonment for life \*preventive detention, which commenced on [*Sentence commencement date*] for the offence(s) of [*Offence(s)*].

### Conditions of release

You are released from the \*corrective training institution \*prison at [*Place*] on the following conditions:

#### *\*Standard conditions*

You are subject to the following conditions from [*Date*] until [*Date*]:

- (a) you must report in person to the probation officer for the district in which you are to reside as soon as practicable and not later than 72 hours after release:
- (b) you must report to the probation officer under whose supervision you are as and when required to do so by the probation officer, and must notify the officer of your residential address and the nature and place of your employment when requested to do so:
- (c) you must obtain the consent of the probation officer before moving from your residential address and, if you move to any

Form 11B—*continued*

place within the district of another probation officer, you must, within 72 hours after arriving in that district, notify that other probation officer of your address and the nature and place of your employment:

- (d) you must not reside at any address at which the probation officer has directed you not to reside:
- (e) you must not engage, or continue to engage, in any employment or occupation in which the probation officer has directed you not to engage or continue to engage:
- (f) you must not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed you not to associate.

*\*Special conditions*

You are subject to the following special conditions from [Date] until [Date]: [Specify nature of conditions].

*\*Residential conditions*

You are subject to the following residential conditions (\*habilitation centre \*home detention) from [Date] until [Date]:

*\*Habilitation centre*

- (a) you must reside in the [Name] habilitation centre, unless authorised by the habilitation centre manager to be released on leave for a period not exceeding 3 days:
- (b) you must comply with the programme designed for you:
- (c) you must comply with the rules of the habilitation centre and any lawful order given by habilitation centre personnel:
- (d) you must cooperate with, and comply with any lawful direction given by, the probation officer assigned to you:
- (e) you must keep this licence in your possession and, if requested to do so by a member of the police or by a probation officer, must produce it for inspection.

*\*Home detention*

- (a) you must not at any time leave [Place where home detention is to be served] except—

Form 11B—*continued*

- (i) to seek or engage in employment approved by a probation officer; or
  - (ii) to seek urgent medical or dental treatment; or
  - (iii) to avoid or minimise a serious risk of death or injury to yourself or any other person; or
  - (iv) to attend training or other rehabilitative activity programmes approved by a probation officer; or
  - (v) for such other purpose as a probation officer may from time to time approve:
- (b) you must cooperate with, and comply with any lawful direction given by, the probation officer assigned to you:
- (c) you must keep this licence in your possession and, if requested to do so by a member of the police or by a probation officer, must produce it for inspection.

**Recall to prison**

You are liable to be recalled to prison to continue serving your sentence until [Date] if—

- (a) you breach the conditions of release; or
- (b) you commit an offence; or
- (c) because of your conduct, or a change in circumstances since release, further offending is likely; or
- (d) while subject to residential conditions, you jeopardise the safety of any person in the habilitation centre or in the residence where you are serving home detention; or
- (e) in the case you are released to an habilitation centre, you jeopardise the order or security of the habilitation centre; or
- (f) in the case you are serving a sentence by way of home detention, a suitable residence in an area where a home detention scheme is operated by the Secretary is no longer available because of changed circumstances.

**Breach of conditions**

If you breach any of the conditions of your release, you may be charged with an offence under section 107H of the Criminal Justice Act 1985 and be liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000.

Form 11B—*continued*

Dated at the \*corrective training institution \*prison at [*Place*] on [*Date*].

(for) Superintendent

\*Delete if inapplicable.

Marie Shroff,  
Clerk of the Executive Council.

---

**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 1 October 2000, amend the Criminal Justice Regulations 1985.

The amendment makes those regulations consistent with new section 107I(6)(f) of the Criminal Justice Act 1985, which provides a new ground of recall. A person serving a sentence by way of home detention can be recalled to prison if a suitable residence in an area where a home detention scheme is operated by the Secretary is no longer available because of changed circumstances. These regulations substitute a new *form 11B* to accommodate the new ground of recall.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 24 August 2000.

These regulations are administered in the Ministry of Justice, the Department of Corrections, and the Department for Courts.

---