

Serial Number 1946/100



THE PRISONS REGULATIONS 1946

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington, this 19th day of
June, 1946

Present :

THE RIGHT HON. P. FRASER PRESIDING IN COUNCIL

PURSUANT to the Prisons Act, 1908, and the Criminal Appeal Act, 1945, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Prisons Regulations 1946, and these regulations and the Prisons Regulations 1925 to 1940 may together be cited as the Prisons Regulations 1925 to 1946.*

2. The Prisons Regulations 1925 to 1940 are amended by inserting, next following Regulation 348 thereof, the following heading and additional regulations:—

“Appellants under the Criminal Appeal Act, 1945

“348A. When to the knowledge of the Controlling Officer a prisoner has appealed or applied for leave to appeal against his conviction under paragraph (a) or paragraph (b) of section 3 of the Criminal Appeal Act, 1945, he shall, until the determination of his appeal or application, be treated in the same manner as a prisoner before trial under the foregoing regulations.

“348B. A prisoner who has applied for leave to appeal only against sentence under paragraph (c) of section 3 of the Criminal Appeal Act, 1945, shall, until the determination of his appeal or application, be treated in the manner required by the sentence imposed by the Supreme Court.

“348c. When notice is received by the Controller-General that leave has been granted by the Court of Appeal to an appellant in custody to be present at the hearing of an appeal or application for leave to appeal, the Controller-General shall take such steps as may be necessary for the transfer of the appellant to a prison convenient for his appearance at such a reasonable time before the hearing as shall enable him to consult his legal adviser, if any.

* *Gazette*, 24th September, 1925, Vol. III, page 2623.

Amendments: *Gazette*, 18th August, 1932, Vol. II, page 1894.

Gazette, 21st May, 1930, Vol. II, page 969.

Statutory Regulations 1936-7, Serial number 1937/175, page 661.

Statutory Regulations 1940, Serial number 1940/129, page 460.

“ 348D. When notice of the time and place fixed for the hearing of an appeal or application for leave to appeal by an appellant in custody to whom the Court of Appeal has granted leave to be present at such hearing is received by the Controller-General, he shall direct the Controlling Officer having custody of the appellant to detail, and the Controlling Officer shall detail, a prison officer to escort the appellant and produce him at the time and place so fixed.

“ 348E. On being served with an order of the Court of Appeal or a Judge thereof directing an appellant in custody to be taken to any place for the purpose of any proceedings of that Court, the Controlling Officer having custody of the appellant shall detail a prison officer to escort the appellant and produce him as required by such order.

“ 348F. An appellant produced pursuant to Regulation 348D or Regulation 348E shall, unless his release is ordered by the Court and except whilst in the custody of the Court, remain in the custody of the escorting officer until returned to the prison from which he was taken or to any other prison ordered by the Controller-General.”

W. O. HARVEY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 27th day of June, 1946.

These regulations are administered in the Department of Justice and Prisons.