

# **Criminal Justice Amendment Act 1978**

Public Act    1978 No 66  
Date of assent    16 October 1978

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

**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 1978, and shall be read together with and deemed part of the Criminal Justice Act 1954 (hereinafter referred to as the principal Act).

#### **2 Functions of Prisons Parole Board**

- (1) Section 33a of the principal Act (as substituted by section 4 of the Criminal Justice Amendment Act 1961) is hereby amended by inserting in subsection (2), after paragraph (c) (as substituted by section 26(1) of the Criminal Justice Amendment Act 1962), the following paragraph:

“(ca) In the case of every offender undergoing imprisonment for life consequent upon his conviction for an offence against section 6 of the Misuse of Drugs Act 1975, as soon as may be practicable after the expiry of 7 years from the date of his reception in the prison, and at least once in every period of 12 months thereafter:”.

- (2) The said section 33a is hereby further amended by inserting in subsection (2), after paragraph (d) (as substituted by section 26(1) of the Criminal Justice Amendment Act 1962), the following paragraph:

“(da) In the case of every offender undergoing imprisonment in respect of whom an order is in force under section 47(1) of the Misuse of Drugs Amendment Act 1978, as soon as may be practicable after the expiry of the period specified in the order, and at least once in every period of 12 months thereafter.”

- (3) The said section 33a is hereby further amended by inserting in paragraph (e) (as substituted by section 15(3) of the Criminal Justice Amendment Act 1975) of subsection (2), after the words “the case of every”, the word “other”.

- (4) The said section 33a is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(5) Notwithstanding anything in subsection (2) of this section or any order of the Court made under section 47 of the Misuse of Drugs Amendment Act 1978, any member of the Prisons Parole Board may at any time request the Board to consider any case, including the case of any offender who is undergoing imprisonment for any term less than 5 years, and on any such request the Board shall consider the case at its next meeting.”

- (5) The said section 33a is hereby further amended by inserting, after subsection (7), the following subsection:

“(7a) The Prisons Parole Board shall not recommend the release of any offender in respect of whom an order is in force under section 47(2) of the Misuse of Drugs Amendment Act 1978 until the expiry of the period specified in that order, except in any case where the matter is brought before the Board pursuant to subsection (5) of this section.”

- (6) The Criminal Justice Amendment Act 1975 is hereby amended by inserting in the item in the Second Schedule relating to section 33a(5) of the principal Act, after the words “from subsection (5)”, the words “(as substituted by section 2(4) of the Criminal Justice Amendment Act 1978)”.

- (7) The following enactments are hereby consequentially repealed:

- (a) Section 7(1)(d) of the Criminal Justice Amendment Act 1967;
- (b) Section 15(5) of the Criminal Justice Amendment Act 1975.

This Act is administered in the Department of Justice.