

**Reprint
as at 1 October 2010**



Criminal Justice Act 1985

Public Act 1985 No 120
Date of assent 20 August 1985
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry of Justice.

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**An Act to reform and revise the law relating to criminal justice,
and to repeal and replace the Criminal Justice Act 1954 and its
amendments**

1 Short Title and commencement

- (1) This Act may be cited as the Criminal Justice Act 1985.
- (2) This Act shall come into force on 1 October 1985.

2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

approved means approved by the Secretary

community-based sentence means—

- (a) a sentence of community service:
- (b) a sentence of periodic detention:
- (c) a sentence of supervision:
- (d) a sentence of a community programme

counsel, in relation to any person, means a barrister and solicitor of the High Court of New Zealand who is representing that person in any proceedings

court means any court exercising jurisdiction in criminal cases

determinate sentence means a sentence of imprisonment otherwise than for life

District Court includes a Youth Court

employing authority, in relation to a person who is serving a sentence of community service, means the institution or organisation, or the instrument of the Crown, or the public body, on whose behalf the person is required to perform any service for the purposes of the sentence

final release date, in relation to a full-time custodial sentence, means the date specified in section 90 beyond which (subject to any liability for recall under Part 6) an offender cannot be detained in a prison in respect of that sentence

full-time custodial sentence means—

- (a) a sentence of corrective training:
- (b) a sentence of imprisonment:
- (c) a sentence of preventive detention

habilitation centre means an approved residential centre that operates programmes for offenders designed to discover and address the cause or causes of or factors contributing to their offending

home detention means the detention under a sentence of imprisonment, in an approved residence (including a marae), of an offender who is released to home detention under section 103B; and **release to home detention** and **servicing a sentence by way of home detention** have corresponding meanings

indeterminate sentence means a sentence of imprisonment for life or a sentence of preventive detention

Manager Community Corrections means a person appointed to be a Manager Community Corrections of a district under section 127

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

minimum period of imprisonment means the period of imprisonment which the court has, under section 80, ordered that an offender shall serve before he or she can be released under Part 6

Minister means the Minister of Justice

offender includes a person who is dealt with or is liable to be dealt with for non-payment of a sum of money, disobedience of a court order, or contempt of court

parole, in relation to a full-time custodial sentence, means the point of the sentence at which the Parole or a District Prisons Board as the case may be, may, but is not required to, release an offender pursuant to section 89

periodic detention centre means a periodic detention centre established under section 126(1)

prison means a prison established or deemed to be established under the Corrections Act 2004

prison officer means an officer within the meaning of section 3(1) of the Corrections Act 2004

prisoner means a person who is for the time being in legal custody under the Corrections Act 2004

probation officer means a person appointed to be, or designated as, a probation officer under section 124; and includes a person exercising only some of the functions or powers of a probation officer under this Act

programme means 1 or more of the following:

- (a) attendance on some form of continuing basis at 1 or more medical, social, therapeutic, educational, or rehabilitative amenities:
- (b) placement within programmes such as Maatua Whangai:
- (c) placement in the care of members of an appropriate ethnic group, such as a tribe (iwi), a subtribe (hapu), an extended family (whanau), or marae, or in the care of any particular member or members of any such group, such as an elder (kaumatua):
- (d) placement in the care of members of an appropriate religious group, such as a church or religious order, or in the care of any particular member or members of any such group:
- (e) placement in the care of any other person or persons or of any agency

residential conditions means the conditions prescribed in section 107D and imposed on an offender who is released under Part 6 to an habilitation centre or to home detention

Secretary means the chief executive of the Department of Corrections

sentence expiry date, in relation to a determinate sentence, means the date on which the term of the sentence imposed by the court ends

sentence of imprisonment does not include—

- (a) a term of imprisonment imposed, whether by committal, sentence, or order, for—
 - (i) non-payment of a sum of money; or
 - (ii) disobedience of a court order; or
 - (iii) contempt of court; or

- (b) a suspended sentence of imprisonment that has not taken effect; or
- (c) a sentence of preventive detention; or
- (d) a sentence of corrective training

serious violent offence means an offence against any of the following provisions of the Crimes Act 1961 in respect of which a determinate sentence of more than 2 years imprisonment is imposed on the offender:

- (a) section 128 (sexual violation):
- (b) section 171 (manslaughter):
- (c) section 173 (attempt to murder):
- (d) section 188(1) (wounding with intent to cause grievous bodily harm):
- (e) section 188(2) (wounding with intent to injure):
- (f) section 189(1) (injuring with intent to cause grievous bodily harm):
- (g) section 189(2) (injuring with intent to injure):
- (h) section 198A (using a firearm against law enforcement officer, etc):
- (i) section 198B (commission of crime with firearm):
- (j) section 234 (robbery):
- (k) section 235 (aggravated robbery)

staff member of a penal institution means a staff member within the meaning of section 3(1) of the Corrections Act 2004
supervising officer, in relation to a person who is serving a sentence of community service, means the probation officer who is for the time being supervising that person in accordance with section 32

suspended sentence—

- (a) means a sentence in respect of which an order has been made under subsection (1) of section 21A; but
- (b) does not include a sentence that has taken effect by virtue of an order made under subsection (4) or subsection (5)(a) of that section

trial Judge, in relation to a District Court, means a Judge who holds a warrant under section 28B of the District Courts Act 1947 to conduct trials on indictment

warden means a person appointed to be, or designated as, a warden under section 128.

- (2) References in this Act to offences punishable by imprisonment, or to offences punishable by imprisonment for a term of a specified period or more, shall be construed, in relation to any particular case, without regard to any restriction imposed by any of the provisions of this or any other Act on the jurisdiction or powers of the court dealing with the case.
- (3) For the purposes of this Act, an offender is subject to a full-time custodial sentence if the offender is serving that sentence or is liable to commence or to resume serving it at some time in the future.

Section 2: substituted, on 1 September 1993, by section 2(1) of the Criminal Justice Amendment Act 1993 (1993 No 43).

Section 2(1) **compulsory treatment order**: repealed, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 2(1) **final release date**: amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2(1) **home detention**: substituted, on 1 October 1999, by section 2(1) of the Criminal Justice Amendment Act 1999 (1999 No 9).

Section 2(1) **hospital**: repealed, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 2(1) **inmate**: repealed, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2(1) **medical practitioner**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2(1) **mentally disordered**: repealed, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 2(1) **patient**: repealed, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 2(1) **penal institution**: repealed, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2(1) **prison**: inserted, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2(1) **prison officer**: inserted, on 1 March 1995, by section 29(1) of the Penal Institutions Amendment Act 1994 (1994 No 120).

Section 2(1) **prison officer**: amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2(1) **prisoner**: inserted, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2(1) **residential conditions**: substituted, on 1 October 1999, by section 2(2) of the Criminal Justice Amendment Act 1999 (1999 No 9).

Section 2(1) **Secretary**: substituted, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 2(1) **staff member of a penal institution**: inserted, on 1 March 1995, by section 29(2) of the Penal Institutions Amendment Act 1994 (1994 No 120).

Section 2(1) **staff member of a penal institution**: amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

3 Application of Act

- (1) Except as provided in subsection (2), this Act binds the Crown.
- (2) This Act shall not apply to proceedings under the Armed Forces Discipline Act 1971, or to proceedings on appeal from any decision under that Act, except as expressly provided in that Act.
- (3) Subject to section 4, this Act applies to offences committed before or after the commencement of this Act.

Compare: 1954 No 50 s 2(4)

Part 1 Sentencing generally

[Repealed]

Part 1: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

4 Penal enactments not to have retrospective effect to disadvantage of offender

[Repealed]

Section 4: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

5 Violent offenders to be imprisoned except in special circumstances

[Repealed]

Section 5: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

5A Violent offending while on bail, etc

[Repealed]

Section 5A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

6 Offenders against property not to be detained except in special circumstances

[Repealed]

Section 6: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

7 General limitation on imprisonment

[Repealed]

Section 7: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

7A Prohibition on imposition by District Court presided over by Community Magistrate or Magistrates of full-time custodial sentences

[Repealed]

Section 7A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

8 Limitation on imprisonment of persons under 16 years

[Repealed]

Section 8: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

8A Limitation on combined sentences

[Repealed]

Section 8A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

9 Corrective training or imprisonment may be imposed where offender unlikely to comply with other sentences

[Repealed]

Section 9: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

10 No full-time custodial sentence to be imposed without opportunity for legal representation

[Repealed]

Section 10: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

11 Reparation to be considered in all cases

[Repealed]

Section 11: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

12 Court may take into account offer to make amends

[Repealed]

Section 12: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

12A Court not to take into account alcohol or drugs, etc, in certain cases

[Repealed]

Section 12A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

13 Concurrent sentences

[Repealed]

Section 13: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

14 Power of adjournment for inquiries as to suitable punishment

[Repealed]

Section 14: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

15 Pre-sentence reports

[Repealed]

Section 15: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

16 Offender may call witness as to cultural and family background

[Repealed]

Section 16: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

17 Disclosure of probation officers' reports

[Repealed]

Section 17: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

18 Access to probation officers' reports

[Repealed]

Section 18: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

**Part 2
Discharge, deferment, reparation, and
fines**

[Repealed]

Part 2: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Discharge

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

19 Discharge without conviction

[Repealed]

Section 19: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

20 Conviction and discharge

[Repealed]

Section 20: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

*Deferment**[Repealed]*

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21 Order to come up for sentence if called upon*[Repealed]*

Section 21: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21A Suspended sentences*[Repealed]*

Section 21A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21B Administration and effect of suspended sentences*[Repealed]*

Section 21B: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21C Registrar to keep records*[Repealed]*

Section 21C: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

*Home detention**[Repealed]*

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21D Court to consider granting offender leave to apply for release to home detention in certain cases*[Repealed]*

Section 21D: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21E Effect of subsequent conviction on home detention*[Repealed]*

Section 21E: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21F Persons serving sentence by way of home detention not to be treated as being in custody

[Repealed]

Section 21F: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

21G Right of appeal against order granting or declining leave to apply for release to home detention

[Repealed]

Section 21G: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Reparation

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

22 Court may sentence offender to make reparation

[Repealed]

Section 22: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

23 Preparation of report

[Repealed]

Section 23: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

24 Conditions of sentence

[Repealed]

Section 24: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

25 Enforcement of sentence

[Repealed]

Section 25: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Fines
[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

26 General discretion to impose fines
[Repealed]

Section 26: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

27 Means of offender and amount of reparation to be taken into consideration in fixing amount of fine
[Repealed]

Section 27: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28 Whole or part of fine may be awarded to victim of offence suffering physical or emotional harm
[Repealed]

Section 28: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Part 2A
Non-association orders
[Repealed]

Part 2A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28A Non-association order
[Repealed]

Section 28A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28B Cumulative orders and sentences
[Repealed]

Section 28B: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28C Order to be drawn up and copy given to offender

[Repealed]

Section 28C: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28D Right of appeal against making of order

[Repealed]

Section 28D: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28E Commencement of period of non-association

[Repealed]

Section 28E: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28F Breach of order constitutes offence

[Repealed]

Section 28F: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28G Effect of subsequent sentences

[Repealed]

Section 28G: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28H Application by probation officer to review order

[Repealed]

Section 28H: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28I Variation or cancellation of order

[Repealed]

Section 28I: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

28J Jurisdiction and procedure

[Repealed]

Section 28J: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Part 3

Community-based sentences

[Repealed]

Part 3: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Community service

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

29 Sentence of community service

[Repealed]

Section 29: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

30 Concurrent and cumulative sentences

[Repealed]

Section 30: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

31 Matters to be considered by court before community service imposed

[Repealed]

Section 31: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

32 Supervising Officer

[Repealed]

Section 32: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

33 Community service to be performed by offenders

[Repealed]

Section 33: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

34 When service to be performed

[Repealed]

Section 34: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

35 Variation or cancellation of sentence of community service

[Repealed]

Section 35: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

36 Offences relating to breach of sentence of community service

[Repealed]

Section 36: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Periodic detention

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

37 Sentence of periodic detention

[Repealed]

Section 37: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

38 Sentence not to be imposed unless appropriate periodic detention centre available

[Repealed]

Section 38: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

39 Cumulative sentences

[Repealed]

Section 39: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

40 Conditions of sentence*[Repealed]*

Section 40: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

41 Offender excused from reporting in certain circumstances*[Repealed]*

Section 41: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

42 Legal custody of offenders*[Repealed]*

Section 42: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

43 Activities and work to be done by offenders*[Repealed]*

Section 43: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

44 Variation, cancellation, or suspension of sentence of periodic detention*[Repealed]*

Section 44: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

45 Offences relating to breach of sentence of periodic detention*[Repealed]*

Section 45: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Supervision
[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

46 Sentence of supervision

[Repealed]

Section 46: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

47 Cumulative sentences

[Repealed]

Section 47: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

48 Offender to be under supervision of probation officer

[Repealed]

Section 48: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

49 Conditions of sentence

[Repealed]

Section 49: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

50 Power of court to impose additional conditions

[Repealed]

Section 50: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

51 Variation or cancellation of sentence

[Repealed]

Section 51: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

52 Offences relating to breach of conditions of supervision

[Repealed]

Section 52: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Community programme

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

53 Sentence of community programme*[Repealed]*

Section 53: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

54 Sentence not to be imposed until report made on available programme*[Repealed]*

Section 54: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

55 Cumulative sentences*[Repealed]*

Section 55: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

56 Consent to imposition of sentence not necessarily consent to medical treatment, etc*[Repealed]*

Section 56: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

57 Variation or cancellation of sentence of community programme*[Repealed]*

Section 57: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

*General provisions**[Repealed]*

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

58 Order to be drawn up and copy given to offender*[Repealed]*

Section 58: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

59 Commencement of sentences

[Repealed]

Section 59: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

59A Commencement of community-based sentence after temporary surrender under Extradition Act 1999

[Repealed]

Section 59A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

60 Authorised service or work for person sentenced to community service or periodic detention

[Repealed]

Section 60: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

61 Offenders not entitled to remuneration

[Repealed]

Section 61: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

62 Application of Injury Prevention, Rehabilitation, and Compensation Act 2001 to persons serving sentence of community service or periodic detention

[Repealed]

Section 62: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

63 Effect of subsequent sentences

[Repealed]

Section 63: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Review of sentences

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

64 Application to review sentence*[Repealed]*

Section 64: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

65 Jurisdiction and procedure*[Repealed]*

Section 65: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

66 Powers of court*[Repealed]*

Section 66: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

67 Appeals in respect of substituted sentences*[Repealed]*

Section 67: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Part 4**Full-time custodial sentences***[Repealed]*

Part 4: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

*Corrective training**[Repealed]*

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

68 Sentence of corrective training*[Repealed]*

Section 68: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

69 Period of detention

[Repealed]

Section 69: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

70 Cumulative sentences

[Repealed]

Section 70: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

71 Effect of subsequent sentence of imprisonment

[Repealed]

Section 71: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Imprisonment

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

72 Discretion of court to impose less than maximum term

[Repealed]

Section 72: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

73 Cumulative sentences

[Repealed]

Section 73: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

74 Rectification of warrant of commitment

[Repealed]

Section 74: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Preventive detention

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

75 Sentence of preventive detention*[Repealed]*

Section 75: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

76 Cumulative sentences*[Repealed]*

Section 76: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

77 Period of preventive detention indefinite*[Repealed]*

Section 77: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Conditions of parole
[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

77A Court on imposing sentence of imprisonment or preventive detention may impose conditions of parole*[Repealed]*

Section 77A: repealed, on 1 September 1993, by section 35(1) of the Criminal Justice Amendment Act 1993 (1993 No 43).

77B Court may impose conditions of non-association on release on parole or final release date*[Repealed]*

Section 77B: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

77BA Variation or discharge of conditions of non-association*[Repealed]*

Section 77BA: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Term of detention

[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

78 Commencement of sentence or term of committal

[Repealed]

Section 78: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

78A Commencement of full-time custodial sentence after temporary surrender under Extradition Act 1999

[Repealed]

Section 78A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

79 Sentence to cease to run while offender unlawfully at large

[Repealed]

Section 79: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

80 Minimum periods of imprisonment

[Repealed]

Section 80: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

81 Period on remand to be taken as time served

[Repealed]

Section 81: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

81A Period in custody awaiting extradition to New Zealand to be taken as time served

[Repealed]

Section 81A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

82 Date of release to avoid weekends and holidays*[Repealed]*

Section 82: repealed, on 1 September 1993, by section 41 of the Criminal Justice Amendment Act 1993 (1993 No 43).

**Part 5
Disqualification from driving and
confiscation of motor vehicles***[Repealed]*

Part 5: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

83 Power of court to disqualify offenders from driving motor vehicles*[Repealed]*

Section 83: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

84 Court may order confiscation of motor vehicles*[Repealed]*

Section 84: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

85 Offender not to acquire new interest in motor vehicle for 12 months*[Repealed]*

Section 85: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

86 Registrar to notify Secretary for Transport*[Repealed]*

Section 86: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

87 Disposal of confiscated motor vehicles*[Repealed]*

Section 87: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

88 Order may be cancelled on application by bona fide purchaser

[Repealed]

Section 88: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

**Part 6
Administration of full-time custodial sentences**

[Repealed]

Part 6: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Release
[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

89 Discretionary release on parole

[Repealed]

Section 89: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

90 Final release

[Repealed]

Section 90: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

91 Secretary to determine offender's final release dates

[Repealed]

Section 91: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

92 Calculation of parole, final release, and sentence expiry dates

[Repealed]

Section 92: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

93 Date of release to avoid weekends and holidays*[Repealed]*

Section 93: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

94 Early release for special reason*[Repealed]*

Section 94: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

95 Release of offender detained in psychiatric institution while subject to sentence of imprisonment*[Repealed]*

Section 95: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

96 Release for purpose of deportation*[Repealed]*

Section 96: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

97 Jurisdiction of Parole Board to release offenders on parole*[Repealed]*

Section 97: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

98 Parole Board to comply with policy directions*[Repealed]*

Section 98: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

99 Jurisdiction of Parole Board where offender to be released at final release date*[Repealed]*

Section 99: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

100 Jurisdiction of District Prisons Boards to release offenders on parole

[Repealed]

Section 100: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

101 Jurisdiction of District Prisons Boards where offender to be released at final release date

[Repealed]

Section 101: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

102 Release to habilitation centre

[Repealed]

Section 102: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

103 Release to home detention where offender has leave granted by court

[Repealed]

Section 103: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

103A Pre-parole home detention for offenders serving determinate sentence of more than 2 years

[Repealed]

Section 103A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

103B Determination of application for release to home detention

[Repealed]

Section 103B: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

103C Other provisions applying to home detention

[Repealed]

Section 103C: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

104 Matters to be considered when determining release on parole*[Repealed]*

Section 104: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

105 Offender may be required to serve full term*[Repealed]*

Section 105: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

106 Reports and representations to Boards*[Repealed]*

Section 106: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

106A Right of victims to be heard at parole hearings and hearing to consider release to home detention*[Repealed]*

Section 106A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107 Rights of offender whose case is to be considered by Parole Board or District Prisons Board*[Repealed]*

Section 107: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107A Conditions of release*[Repealed]*

Section 107A: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107B Standard conditions*[Repealed]*

Section 107B: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107C Special conditions

[Repealed]

Section 107C: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107D Residential conditions

[Repealed]

Section 107D: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107E Conditions applying to corrective trainees

[Repealed]

Section 107E: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107F Released offender on licence

[Repealed]

Section 107F: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107G Variation and discharge of conditions

[Repealed]

Section 107G: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107H Breach of conditions

[Repealed]

Section 107H: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Recall
[Repealed]

Heading: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107I Application for recall

[Repealed]

Section 107I: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107J Interim order for recall*[Repealed]*

Section 107J: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107K Other section 107I applications*[Repealed]*

Section 107K: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107L Determination of application for recall*[Repealed]*

Section 107L: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107M Appeal from order for recall*[Repealed]*

Section 107M: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

107N Discharge from liability to recall*[Repealed]*

Section 107N: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Part 7**Mentally disordered persons***[Repealed]*

Part 7: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

108 Interpretation*[Repealed]*

Section 108: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

109 When finding of disability may be made

[Repealed]

Section 109: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

110 Postponement of finding

[Repealed]

Section 110: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

111 Procedure

[Repealed]

Section 111: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

112 Appeal against finding of disability

[Repealed]

Section 112: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

113 Finding of insanity

[Repealed]

Section 113: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

114 Appeal against acquittal on account of insanity

[Repealed]

Section 114: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

115 Order to be made if person under disability or insane

[Repealed]

Section 115: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

116 Duration of order for detention as special patient where defendant under disability

[Repealed]

Section 116: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

117 Duration of order for detention as special patient where person acquitted on account of insanity*[Repealed]*

Section 117: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

118 Power of court to commit to institution on conviction*[Repealed]*

Section 118: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

119 Notices to be sent to Public Trustee of certain orders*[Repealed]*

Section 119: repealed, on 1 November 1992, by section 139(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

120 Temporary reception orders under Mental Health Act 1969 for certain defendants*[Repealed]*

Section 120: repealed, on 1 November 1992, by section 139(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No 46).

121 Power of court to require psychiatric report*[Repealed]*

Section 121: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

122 Disclosure of psychiatric reports*[Repealed]*

Section 122: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

123 Access to psychiatric reports*[Repealed]*

Section 123: repealed, on 1 September 2004, by section 48 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Part 8

Administration of Act

124 Probation officers

[Repealed]

Section 124: repealed, on 1 June 2005, by section 208(1) of the Corrections Act 2004 (2004 No 50).

124A Probation officer may delegate power to supervise offenders on community work

[Repealed]

Section 124A: repealed, on 1 June 2005, by section 208(1) of the Corrections Act 2004 (2004 No 50).

125 Duties of probation officers

[Repealed]

Section 125: repealed, on 1 June 2005, by section 208(1) of the Corrections Act 2004 (2004 No 50).

125A Pilot home detention schemes

[Repealed]

Section 125A: repealed, on 1 October 1999, by section 19(1) of the Criminal Justice Amendment Act 1999 (1999 No 9).

125B Offences

[Repealed]

Section 125B: repealed, on 30 June 2002, by section 166(b) of the Sentencing Act 2002 (2002 No 9).

126 Establishment of community work centres

[Repealed]

Section 126: repealed, on 1 June 2005, by section 208(1) of the Corrections Act 2004 (2004 No 50).

127 Controlling officer of probation area

[Repealed]

Section 127: repealed, on 1 June 2005, by section 208(1) of the Corrections Act 2004 (2004 No 50).

128 Wardens*[Repealed]*

Section 128: repealed, on 30 June 2002, by section 166(b) of the Sentencing Act 2002 (2002 No 9).

129 Secretary may make rules*[Repealed]*

Section 129: repealed, on 1 June 2005, by section 208(1) of the Corrections Act 2004 (2004 No 50).

130 Parole Board*[Repealed]*

Section 130: repealed, on 30 June 2002, by section 166(b) of the Sentencing Act 2002 (2002 No 9).

131 Meetings and procedure of Parole Board*[Repealed]*

Section 131: repealed, on 30 June 2002, by section 166(b) of the Sentencing Act 2002 (2002 No 9).

132 District Prisons Boards*[Repealed]*

Section 132: repealed, on 30 June 2002, by section 166(b) of the Sentencing Act 2002 (2002 No 9).

133 Meetings and procedures of District Prisons Boards*[Repealed]*

Section 133: repealed, on 30 June 2002, by section 166(b) of the Sentencing Act 2002 (2002 No 9).

134 Criminal Justice Advisory Councils*[Repealed]*

Section 134: repealed, on 1 September 1993, by section 51(2) of the Criminal Justice Amendment Act 1993 (1993 No 43).

135 Functions of Criminal Justice Advisory Council*[Repealed]*

Section 135: repealed, on 1 September 1993, by section 51(2) of the Criminal Justice Amendment Act 1993 (1993 No 43).

136 Secretary responsible for general administration of Act
[Repealed]

Section 136: repealed, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Part 9
Miscellaneous provisions

137 Sentence not invalidated by mistake in age of offender
[Repealed]

Section 137: repealed, on 1 June 2005, by section 208(1) of the Corrections Act 2004 (2004 No 50).

138 Power to clear court and forbid report of proceedings

- (1) Subject to the provisions of subsections (2) and (3) and of any other enactment, every sitting of any court dealing with any proceedings in respect of an offence shall be open to the public.
- (2) Where a court is of the opinion that the interests of justice, or of public morality, or of the reputation of any victim of any alleged sexual offence or offence of extortion, or of the security or defence of New Zealand so require, it may make any 1 or more of the following orders:
 - (a) an order forbidding publication of any report or account of the whole or any part of—
 - (i) the evidence adduced; or
 - (ii) the submissions made:
 - (b) an order forbidding the publication of the name of any witness or witnesses, or any name or particulars likely to lead to the identification of the witness or witnesses:
 - (c) subject to subsection (3), an order excluding all or any persons other than the informant, any Police employee, the defendant, any counsel engaged in the proceedings, and any officer of the court from the whole or any part of the proceedings.
- (3) The power conferred by paragraph (c) of subsection (2) shall not, except where the interests of security or defence so require, be exercised so as to exclude any accredited news media reporter.

- (4) An order made under paragraph (a) or paragraph (b) of subsection (2)—
- (a) may be made for a limited period or permanently; and
 - (b) if it is made for a limited period, may be renewed for a further period or periods by the court; and
 - (c) if it is made permanently, may be reviewed by the court at any time.
- (5) The powers conferred by this section to make orders of any kind described in subsection (2) are in substitution for any such powers that a court may have had under any inherent jurisdiction or any rule of law; and no court shall have power to make any order of any such kind except in accordance with this section or any other enactment.
- (6) Notwithstanding that an order is made under subsection (2)(c), the announcement of the verdict or decision of the court (including a decision to commit the defendant for trial or sentence) and the passing of sentence shall in every case take place in public; but, if the court is satisfied that exceptional circumstances so require, it may decline to state in public all or any of the facts, reasons, or other considerations that it has taken into account in reaching its decision or verdict or in determining the sentence passed by it on any defendant.
- (7) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who commits a breach of any order made under paragraph (a) or paragraph (b) of subsection (2) or evades or attempts to evade any such order.
- (8) The breach of any order made under subsection (2)(c), or any evasion or attempted evasion of it, may be dealt with as contempt of court.
- (9) Nothing in this section shall limit the powers of the court under sections 139 and 140 to prohibit the publication of any name.

Compare: 1957 No 87 ss 35, 156; 1961 No 43 s 375; 1973 No 117 s 20; 1976 No 169 s 5; 1980 No 84 s 24; 1982 No 157 s 4(1)

Section 138(2)(c): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

139 Prohibition against publication of names in specified sexual cases

- (1AA) The purpose of this section is to protect persons upon or with whom an offence referred to in subsection (1) or subsection (2) has been, or is alleged to have been, committed.
- (1) No person shall publish, in any report or account relating to any proceedings commenced in any court in respect of an offence against any of sections 128 to 142A of the Crimes Act 1961, or in respect of an offence against section 144A of that Act, the name of any person upon or with whom the offence has been or is alleged to have been committed, or any name or particulars likely to lead to the identification of that person, unless—
- (a) that person is of or over the age of 16 years; and
 - (b) the court, by order, permits such publication.
- (1A) However, the court must make an order referred to in subsection (1)(b), permitting any person to publish the name of a person upon or with whom any offence referred to in subsection (1) has been or is alleged to have been committed, or any name or particulars likely to lead to the identification of that person, if—
- (a) that person—
 - (i) is aged 16 years or older (whether or not he or she was aged 16 years or older when the offence was, or is alleged to have been, committed); and
 - (ii) applies to the court for such an order; and
 - (b) the court is satisfied that that person understands the nature and effect of his or her decision to apply to the court for such an order.
- (2) No person shall publish, in any report or account relating to proceedings in respect of an offence against section 130 or section 131 of the Crimes Act 1961, the name of the person accused or convicted of the offence or any name or particulars likely to lead to the person's identification.
- (2A) However, a court must order that any person may publish the name of a person convicted of an offence against section 130 or section 131 of the Crimes Act 1961, or any name or particulars likely to lead to the person's identification, if—

- (a) the victim (or, if there were 2 or more victims of the offence, each victim) of the offence—
 - (i) is aged 16 years or older (whether or not he or she was aged 16 years or older when the offence was, or is alleged to have been, committed); and
 - (ii) applies to the court for such an order; and
 - (b) the court is satisfied that the victim (or, as the case requires, each victim) of the offence understands the nature and effect of his or her decision to apply to the court for such an order; and
 - (c) no order or further order has been made under section 140 prohibiting the publication of the name, address, or occupation, of the person convicted of the offence, or of any particulars likely to lead to that person's identification.
- (2B) An order made under subsection (2A) in respect of the name of a person, or of any name or particulars likely to lead to the identification of a person, ceases to have effect if—
- (a) the person applies to a court for an order or further order under section 140 prohibiting the publication of his or her name, address, or occupation, or of any particulars likely to lead to his or her identification; and
 - (b) the court makes the order or further order under section 140.
- (3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who publishes any name or particular in contravention of subsection (1) or subsection (2).

Compare: 1954 No 50 s 45C; 1975 No 47 s 17(1); 1976 No 4 s 2(2); 1980 No 2 s 23

Section 139(1AA): inserted, on 17 December 2002, by section 53 of the Victims' Rights Act 2002 (2002 No 39).

Section 139(1): amended, on 1 September 1995, by section 12 of the Crimes Amendment Act 1995 (1995 No 49).

Section 139(1A): inserted, on 17 December 2002, by section 53 of the Victims' Rights Act 2002 (2002 No 39).

Section 139(2A): inserted, on 17 December 2002, by section 53 of the Victims' Rights Act 2002 (2002 No 39).

Section 139(2B): inserted, on 17 December 2002, by section 53 of the Victims' Rights Act 2002 (2002 No 39).

139A Protection of identity of children called as witnesses in criminal proceedings

- (1) Subject to subsection (2), no person shall publish, in any report of any criminal proceedings in any court, the name of any person under the age of 17 years who is called as a witness in those proceedings or any particulars likely to lead to the identification of that person.
- (2) Nothing in subsection (1) prevents the publication of the name of the defendant or the nature of the charge.
- (3) Every person who acts in contravention of subsection (1) commits an offence and is liable on summary conviction,—
 - (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$1,000;
 - (b) in the case of a body corporate, to a fine not exceeding \$5,000.

Compare: 1974 No 72 s 97

Section 139A: inserted, on 1 November 1989, by section 454(1) of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).

140 Court may prohibit publication of names

- (1) Except as otherwise expressly provided in any enactment, a court may make an order prohibiting the publication, in any report or account relating to any proceedings in respect of an offence, of the name, address, or occupation of the person accused or convicted of the offence, or of any other person connected with the proceedings, or any particulars likely to lead to any such person's identification.
- (2) Any such order may be made to have effect only for a limited period, whether fixed in the order or to terminate in accordance with the order; or if it is not so made, it shall have effect permanently.
- (3) If any such order is expressed to have effect until the determination of an intended appeal, and no notice of appeal or of application for leave to appeal is filed or given within the time limited or allowed by or under the relevant enactment, the order shall cease to have effect on the expiry of that time; but if such a notice is given within that time, the order shall cease to have effect on the determination of the appeal or on

the occurrence or non-occurrence of any event as a result of which the proceedings or prospective proceedings are brought to an end.

- (4) The making under this section of an order having effect only for a limited period shall not prevent any court from making under this section any further order having effect either for a limited period or permanently.
- (4A) When determining whether to make any such order or further order in respect of a person accused or convicted of an offence and having effect permanently, a court must take into account any views of a victim of the offence, or of a parent or legal guardian of a victim of the offence, conveyed in accordance with section 28 of the Victims' Rights Act 2002.
- (5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who commits a breach of any order made under this section or evades or attempts to evade any such order.

Compare: 1954 No 50 s 46; 1969 No 2 s 9(1); 1975 No 47 s 17(2); 1976 No 4 s 2(4)

Section 140(4A): inserted, on 17 December 2002, by section 53 of the Victims' Rights Act 2002 (2002 No 39).

141 Publication by or at request of Police, etc

Nothing in sections 138 to 140 shall prevent—

- (a) the publication by or at the request of any Police employee of the name, address, or occupation of any person who has escaped from lawful custody or has failed to attend any court when lawfully required to do so, or of any particulars likely to lead to that person's identification, if that publication is made for the purpose of facilitating that person's recapture or arrest:
- (b) the publication of the name, address, or occupation of any person, or any particulars likely to lead to the identification of any person, or any details of the offences charged to—
- (i) any person assisting with the administration of the sentence imposed on the person or with the rehabilitation of the person; or

- (ii) any Police employee, or any officer or employee of the Department of Corrections or of the Ministry of Justice, who requires the information for the purposes of his or her official duties.

Compare: 1954 No 50 s 45D; 1975 No 47 s 17(1); 1976 No 4 s 2(3)

Section 141(a): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 141(b)(ii): substituted, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 141(b)(ii): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Section 141(b)(ii): amended, on 1 October 2003, pursuant to section 14(1) of the State Sector Amendment Act 2003 (2003 No 41).

142 Special provisions as to young persons remanded or committed for trial or sentence

- (1) Notwithstanding anything in any other enactment, no person under the age of 16 years shall be remanded to a prison pending the hearing or trial of any charge or pending sentence.
- (2) Notwithstanding anything in any other enactment, no person who has attained the age of 16 years but has not attained the age of 17 years shall be remanded to a prison pending the hearing or trial of any charge or pending sentence, except where the person is charged with or has been convicted of a purely indictable offence (within the meaning of section 8).
- (2A) In subsections (1) and (2), a reference to a prison does not include a Police jail.
- (3) Subject to subsections (1) and (2) and to the Children, Young Persons, and Their Families Act 1989, the provisions of subsections (4), (4A), (4B), and (5) shall apply in respect of every person who is under the age of 17 years and who is charged with or convicted of any offence in a District Court or the High Court.
- (4) Where a court remands or commits for trial or sentence any person who appears to the court to be of or over the age of 17 years but under the age of 20 years, section 15 of the Bail Act 2000 applies.
- (4A) Despite section 15 of the Bail Act 2000, the court may in any case direct that the person be detained in a prison if in its opin-

ion no other course is desirable, having regard to all the circumstances.

- (4B) Despite section 15 of the Bail Act 2000, the court may remand the person in the custody of the Director-General of Social Welfare if in its opinion it is desirable to do so by reason of special circumstances, and if it is satisfied that the Director-General of Social Welfare is able and willing to keep the person in custody in accordance with this section.
- (5) Where any such person is remanded in the custody of the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989, that person may, until he or she is brought up for trial or sentence, be placed in any residence under the Children, Young Persons, and Their Families Act 1989, or under the care of any suitable person pursuant to that Act.
- (5A) The court may remand a defendant who is under 17 years in the custody of the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989 for the purposes of an assessment report under section 38 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 if—
- (a) the court is satisfied that the chief executive is able and willing to keep the defendant in custody for the purpose of the assessment report for any period, not exceeding 14 days, that the court thinks fit; and
 - (b) the court would (in the absence of the provisions of subsection (1) or subsection (2)) have remanded the defendant to a prison in accordance with section 38(2)(b) of that Act for the purposes of the assessment report.
- (5B) If, in any case to which section 38(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003 applies, the defendant is under the age of 17 years, the provisions of section 38(2)(c) to (4) and sections 40 to 44 of that Act must be read as if—
- (a) any reference to remand to a prison were a reference to remand to the custody of the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989; and

- (b) any reference to the manager of a prison were a reference to the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989; and
 - (c) any reference to penal custody were a reference to custody to the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989.
- (5C) Where the court remands any person in the custody of the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989 under subsection (5A), subsection (5) shall apply as if the person were remanded pursuant to subsection (4B).
- (6) Nothing in subsections (1) and (2) shall apply in respect of any person who is subject to a sentence or term of imprisonment.
- Compare: 1954 No 50 s 47
- Section 142(1): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).
- Section 142(2): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).
- Section 142(2A): inserted, on 30 June 2002, by section 177(1) of the Sentencing Act 2002 (2002 No 9).
- Section 142(2A): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).
- Section 142(3): amended, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).
- Section 142(3): amended, on 1 November 1989, by section 449 of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).
- Section 142(4): substituted, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).
- Section 142(4A): inserted, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).
- Section 142(4A): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).
- Section 142(4B): inserted, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).
- Section 142(5): amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).
- Section 142(5): amended, on 1 November 1989, by section 449 of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).

Section 142(5A): substituted, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 142(5A)(b): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 142(5B): inserted, on 16 October 1989, by section 6(2) of the Criminal Justice Amendment Act (No 2) 1989 (1989 No 91).

Section 142(5B): amended, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

Section 142(5B)(a): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 142(5B)(a): amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 142(5B)(b): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 142(5B)(b): amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 142(5B)(c): amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 142(5C): inserted, on 16 October 1989, by section 6(2) of the Criminal Justice Amendment Act (No 2) 1989 (1989 No 91).

Section 142(5C): amended, on 1 January 2001, by section 74(2) of the Bail Act 2000 (2000 No 38).

Section 142(5C): amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 142(6): amended, on 30 June 2002, by section 177(2) of the Sentencing Act 2002 (2002 No 9).

142AA Special provisions until 1 July 2004 as to young persons remanded or committed for trial or sentence

[Expired]

Section 142AA: expired, on 30 June 2004, by section 142AB.

142AB Expiry of section 142AA

Section 142AA expires at the close of 30 June 2004.

Section 142AB: inserted, on 30 June 2002, by section 178 of the Sentencing Act 2002 (2002 No 9).

142A Detention of children or young persons serving sentence of imprisonment

- (1) Notwithstanding anything in the Corrections Act 2004, any child or young person who is serving a sentence of imprisonment may be detained under that sentence not only in accord-

ance with the Corrections Act 2004 but also in any residence for the time being approved by the chief executive of the department for the time being responsible for the administration of the Children, Young Persons, and Their Families Act 1989 and the Secretary.

- (1A) However, a child who is serving a sentence of imprisonment imposed before or after the commencement of this subsection may be detained under that sentence after that commencement only in any such residence.
- (1B) Subsection (1A) overrides subsection (1) and the Corrections Act 2004.
- (2) The provisions of the Corrections Act 2004, this Act, the Parole Act 2002, and regulations made under either of those Acts shall continue to apply, with such modifications as are necessary, to any such child or young person who is detained for the time being in any such residence.
- (3) For the purposes of this section the terms **child**, **young person**, and **residence** have the same meanings as they have in the Children, Young Persons, and Their Families Act 1989.

Compare: 1974 No 72 s 103A; 1977 No 126 s 18

Section 142A: inserted, on 1 November 1989, by section 454(2) of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).

Section 142A(1): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 142A(1): amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 142A(1A): inserted, on 1 October 2010, by section 56(2) of the Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010 (2010 No 2).

Section 142A(1B): inserted, on 1 October 2010, by section 56(2) of the Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010 (2010 No 2).

Section 142A(2): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 142A(2): amended, on 30 June 2002, by section 179 of the Sentencing Act 2002 (2002 No 9).

143 Warrant of commitment for full-time custodial sentence

[Repealed]

Section 143: repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

144 Commutation of death sentence to sentence of imprisonment*[Repealed]*

Section 144: repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

145 Remission of monetary penalties*[Repealed]*

Section 145: repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

146 Royal prerogative not affected

Nothing in this Act shall limit or affect in any way the Royal prerogative of mercy.

Compare: 1954 No 50 s 52

147 Minister of the Crown who is responsible for the Department of Corrections may approve subsidies for voluntary groups

- (1) The Minister of the Crown who is responsible for the Department of Corrections may from time to time, with the concurrence of the Minister of Finance, approve the payment, out of money appropriated by Parliament for the purpose, of contributions towards the expenses of—
 - (a) any educational programme or any medical, social, therapeutic, educative, or rehabilitative amenity, involved with the care of persons detained in or released from prisons or subject to community-based sentences:
 - (b) any organisation, whether formed before or after the commencement of this Act, that has as its object or one of its objects the assistance of persons detained in or released from prisons or subject to community-based sentences.
- (2) In approving any such contribution, the Minister of the Crown who is responsible for the Department of Corrections may impose such conditions as the Minister of the Crown who is responsible for the Department of Corrections thinks fit with respect to its expenditure and the accounting therefor.

Compare: 1954 No 51 s 43

Section 147 heading: amended, on 1 October 1995, pursuant to section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 147(1): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

Section 147(1)(a): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 147(1)(b): amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 147(2): amended, on 1 October 1995, by section 10(3) of the Department of Justice (Restructuring) Act 1995 (1995 No 39).

148 Consent to treatment, etc, not affected

[Repealed]

Section 148: repealed, on 1 September 2004, by section 51 of the Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115).

149 Regulations

The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) prescribing forms for the purposes of this Act:
- (b) *[Repealed]*
- (c) *[Repealed]*
- (d) *[Repealed]*
- (e) *[Repealed]*
- (f) *[Repealed]*
- (g) *[Repealed]*
- (h) *[Repealed]*
- (i) *[Repealed]*
- (j) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this Act and the amounts of fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding \$500:
- (k) generally providing for such other matters as are contemplated by or necessary for giving full effect to this Act, and for its due administration.

Section 149(b): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Section 149(c): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Section 149(d): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Section 149(e): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Section 149(f): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Section 149(g): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Section 149(h): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Section 149(i): repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

150 Amendments and repeals

[Repealed]

Section 150: repealed, on 30 June 2002, by section 166(c) of the Sentencing Act 2002 (2002 No 9).

Part 10 Transitional provisions

[Repealed]

Part 10: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

151 Offenders liable to come up for sentence if called upon

[Repealed]

Section 151: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

152 Reparation

[Repealed]

Section 152: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

153 Community service

[Repealed]

Section 153: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

154 Periodic detention

[Repealed]

Section 154: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

155 Probation and supervision

[Repealed]

Section 155: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

156 Corrective training

[Repealed]

Section 156: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

157 Imprisonment and preventive detention

[Repealed]

Section 157: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

158 Persons under 16 years imprisoned for summary offence

[Repealed]

Section 158: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

159 Offenders released early for special reason

[Repealed]

Section 159: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

160 Administration of full-time custodial sentences

[Repealed]

Section 160: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

161 Mentally disordered persons

[Repealed]

Section 161: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

162 Appointments and delegations

[Repealed]

Section 162: repealed, on 30 June 2002, by section 166(a) of the Sentencing Act 2002 (2002 No 9).

Schedule 1

s 150(1)

Enactments consequentially amended

[Repealed]

Schedule 1: repealed, on 30 June 2002, by section 166(d) of the Sentencing Act 2002 (2002 No 9).

Schedule 2

s 150(2)

Enactments repealed

[Repealed]

Schedule 2: repealed, on 30 June 2002, by section 166(d) of the Sentencing Act 2002 (2002 No 9).

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes**1 *General***

This is a reprint of the Criminal Justice Act 1985. The reprint incorporates all the amendments to the Act as at 1 October 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Children, Young Persons, and Their Families (Youth Courts Jurisdiction and Orders) Amendment Act 2010 (2010 No 2): section 56(2)

Policing Act 2008 (2008 No 72): section 130(1)

Corrections Act 2004 (2004 No 50): sections 206, 208(1)

Criminal Procedure (Mentally Impaired Persons) Act 2003 (2003 No 115): sections 48, 51

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)

State Sector Amendment Act 2003 (2003 No 41): section 14(1)

Victims' Rights Act 2002 (2002 No 39): section 53

Sentencing Act 2002 (2002 No 9): sections 166, 177–179

Bail Act 2000 (2000 No 38): section 74(2)

Department of Child, Youth and Family Services Act 1999 (1999 No 82):
section 13

Criminal Justice Amendment Act 1999 (1999 No 9)

Crimes Amendment Act 1995 (1995 No 49): section 12

Department of Justice (Restructuring) Act 1995 (1995 No 39): section 10(3)

Penal Institutions Amendment Act 1994 (1994 No 120): section 29(1), (2)

Criminal Justice Amendment Act 1993 (1993 No 43)

Mental Health (Compulsory Assessment and Treatment) Act 1992 (1992 No
46): section 139(1)

Criminal Justice Amendment Act (No 2) 1989 (1989 No 91)

Children, Young Persons, and Their Families Act 1989 (1989 No 24):
sections 449, 454
