

Criminal Justice Amendment Act (No. 2) 1980

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An Act to restrict to 3 months the term for which a sentence of corrective training may be imposed, and 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 and commencement

- (1) This Act may be cited as the Criminal Justice Amendment Act (No. 2) 1980, and shall be read together with and deemed part of the Criminal Justice Act 1954 (hereinafter referred to as the principal Act).

- (2) Except as provided by section 9 of this Act, this Act shall come into force on the 1st day of April 1981.

2 Sentence of corrective training

Section 14a of the principal Act (as inserted by section 4 of the Criminal Justice Amendment Act 1975) is hereby amended—

- (a) By omitting from subsection (1) the expression “sections 14b and 14d”, and substituting the expression “section 14d”:
- (b) By omitting from that subsection the words “for a term of 3 months”:
- (c) By repealing subsection (2).

3 Circumstances in which corrective training may be imposed

Section 14b of the principal Act (as inserted by section 4 of the Criminal Justice Amendment Act 1975) is hereby repealed.

4 Period of detention under sentence of corrective training

The principal Act is hereby amended by repealing section 14e (as inserted by section 4 of the Criminal Justice Amendment Act 1975), and substituting the following section:

“14e

Subject to this Act and the Penal Institutions Act 1954, every person who is sentenced to corrective training shall be detained for a term of 3 months.”

5 Functions of Prisons Parole Board

- (1) Section 33a(2) of the principal Act (as substituted by section 4 of the Criminal Justice Amendment Act 1961 and amended by section 26(1) of the Criminal Justice Amendment Act 1962 and further amended by section 2(1) of the Criminal Justice Amendment Act 1978) is hereby amended by repealing paragraphs (c), (ca), and (d), and substituting the following paragraph:

“(c) In the case of every offender undergoing imprisonment for life, 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) Section 33(2)(e) of the principal Act (as substituted by section 15(3) of the Criminal Justice Amendment Act 1975) is hereby amended by omitting from subparagraph (ii) the expression “Three years and 6 months”, and substituting the expression “Seven years”.
- (3) Nothing in this section shall apply in respect of any inmate whose case has been considered by the Parole Board before the commencement of this Act.
- (4) The following enactments are hereby consequentially repealed:
- (a) Section 26(1) of the Criminal Justice Amendment Act 1962:
- (b) Section 15(2) of the Criminal Justice Amendment Act 1975:

(c) Section 2(1) of the Criminal Justice Amendment Act 1978.

6 Sentence not invalidated by mistake in age of offender

Section 43 of the principal Act is hereby amended by repealing subsection (2b) (as inserted by section 7(3) of the Criminal Justice Amendment Act 1975), and substituting the following subsections:

“(2b) Without limiting subsection (2) of this section, where it comes to the notice of the Superintendent of a corrective training institution that an offender who has been sentenced to corrective training was of or above 20 years of age at the time he was convicted, the Superintendent shall report the fact forthwith to the Secretary for Justice.

“(2c) Where it comes to the notice of the Secretary for Justice that an offender who has been sentenced to corrective training was of or above 20 years of age at the time he was convicted, the Secretary for Justice shall direct that the offender be transferred to a prison to serve the remainder of his sentence, which shall thereafter be deemed for the purposes of this Act and the Penal Institutions Act 1954 to be a sentence of imprisonment for a term of 3 months that commenced on the date on which the sentence of corrective training was imposed.”

7 Commencement of Parts I and II of Criminal Justice Amendment Act 1975

(1) Section 1 of the Criminal Justice Amendment Act 1975 is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Parts I and II of this Act shall come into force on the 1st day of April 1981.”

(2) Section 6(3) of the Criminal Justice Amendment Act 1975 is hereby consequentially repealed.

8 Transitional provisions

Section 9 of the Criminal Justice Amendment Act 1975 is hereby amended by omitting the words “for a term of 3 months” wherever they occur.

9 Warden of work centre may make rules

Section 24(1) of the Criminal Justice Amendment Act 1980 is hereby amended as from its commencement by inserting, after the word “offenders”, the words “, as he thinks fit”.

10 Alcoholism and Drug Addiction Act 1966 amended

(1) Section 12 of the Alcoholism and Drug Addiction Act 1966 is hereby amended by omitting the words “borstal training or detention in a detention centre”, and substituting the words “corrective training”.

(2) Section 21(1) of the Alcoholism and Drug Addiction Act 1966 is hereby amended by omitting the words “borstal training”, and substituting the words “corrective training”.

11 Summary Proceedings Act 1957 amended

- (1) Section 100 of the Summary Proceedings Act 1957 (as substituted by section 12 of the Summary Proceedings Amendment Act 1973) is hereby amended by omitting from subsection (3)(c) (as substituted by section 30(1) of the Criminal Justice Amendment Act 1980) the words “for a term of 3 months”.
- (2) Section 100 of the Summary Proceedings Act 1957 (as so substituted) is hereby further amended by omitting from subsection (8) (as amended by section 8(1) of the Criminal Justice Amendment Act 1975) the words “corrective training for a term of 3 months”, and substituting the words “corrective training”.
- (3) The Criminal Justice Amendment Act 1975 is hereby amended by repealing so much of the First Schedule as relates to the Summary Proceedings Act 1957.

This Act is administered in the Department of Justice.