Reprint
as at 1 July 2013

Criminal Justice Act 1985

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

Criminal Justice Act 1985: repealed, on 1 July 2013, by section 411 of the Criminal Procedure Act 2011 (2011 No 81).

Contents

		Page
	Title	11
1	Short Title and commencement	11
2	Interpretation	11
3	Application of Act	16
	Part 1	
	Sentencing generally	
	[Repealed]	
4	Penal enactments not to have retrospective effect to disadvantage of offender *[Repealed]*	16
5	Violent offenders to be imprisoned except in special circumstances *[Repealed]*	16
5A	Violent offending while on bail, etc *[Repealed]*	17
6	Offenders against property not to be detained except in special circumstances *[Repealed]*	17
7	General limitation on imprisonment *[Repealed]*	17

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.

7A	Prohibition on imposition by District Court presided over by Community Magistrate or Magistrates of full-time custodial sentences *[Repealed]*	17
8	Limitation on imprisonment of persons under 16 years *[Repealed]*	17
8A	Limitation on combined sentences *[Repealed]*	17
9	Corrective training or imprisonment may be imposed where offender unlikely to comply with other sentences *[Repealed]*	17
10	No full-time custodial sentence to be imposed without opportunity for legal representation *[Repealed]*	18
11	Reparation to be considered in all cases *[Repealed]*	18
12	Court may take into account offer to make amends *[Repealed]*	18
12A	Court not to take into account alcohol or drugs, etc, in certain cases *[Repealed]*	18
13	Concurrent sentences *[Repealed]*	18
14	Power of adjournment for inquiries as to suitable punishment *[Repealed]*	18
15	Pre-sentence reports *[Repealed]*	18
16	Offender may call witness as to cultural and family background *[Repealed]*	19
17	Disclosure of probation officers' reports *[Repealed]*	19
18	Access to probation officers' reports *[Repealed]*	19

Part 2
Discharge, deferment, reparation, and fines
[Repealed]

Discharge
[Repealed]

19	Discharge without conviction *[Repealed]*	19
20	Conviction and discharge *[Repealed]*	19

Deferment
[Repealed]

21	Order to come up for sentence if called upon *[Repealed]*	20
21A	Suspended sentences *[Repealed]*	20
21B	Administration and effect of suspended sentences *[Repealed]*	20
21C	Registrar to keep records *[Repealed]*	20

Home detention
[Repealed]

21D Court to consider granting offender leave to apply for release to home detention in certain cases *[Repealed]* 20
21E Effect of subsequent conviction on home detention *[Repealed]* 20
21F Persons serving sentence by way of home detention not to be treated as being in custody *[Repealed]* 21
21G Right of appeal against order granting or declining leave to apply for release to home detention *[Repealed]* 21

Reparation
[Repealed]

22 Court may sentence offender to make reparation *[Repealed]* 21
23 Preparation of report *[Repealed]* 21
24 Conditions of sentence *[Repealed]* 21
25 Enforcement of sentence *[Repealed]* 21

Fines
[Repealed]

26 General discretion to impose fines *[Repealed]* 22
27 Means of offender and amount of reparation to be taken into consideration in fixing amount of fine *[Repealed]* 22
28 Whole or part of fine may be awarded to victim of offence suffering physical or emotional harm *[Repealed]* 22

Part 2A
Non-association orders
[Repealed]

28A Non-association order *[Repealed]* 22
28B Cumulative orders and sentences *[Repealed]* 22
28C Order to be drawn up and copy given to offender *[Repealed]* 23
28D Right of appeal against making of order *[Repealed]* 23
28E Commencement of period of non-association *[Repealed]* 23
28F Breach of order constitutes offence *[Repealed]* 23
28G Effect of subsequent sentences *[Repealed]* 23
28H Application by probation officer to review order *[Repealed]* 23
28I Variation or cancellation of order *[Repealed]* 23
28J Jurisdiction and procedure *[Repealed]* 23

Part 3
Community-based sentences
[Repealed]

Community service
[Repealed]

29 Sentence of community service *[Repealed]* 24
30 Concurrent and cumulative sentences *[Repealed]* 24
31 Matters to be considered by court before community service imposed *[Repealed]* 24
32 Supervising Officer *[Repealed]* 24
33 Community service to be performed by offenders *[Repealed]* 24
34 When service to be performed *[Repealed]* 25
35 Variation or cancellation of sentence of community service *[Repealed]* 25
36 Offences relating to breach of sentence of community service *[Repealed]* 25

Periodic detention
[Repealed]

37 Sentence of periodic detention *[Repealed]* 25
38 Sentence not to be imposed unless appropriate periodic detention centre available *[Repealed]* 25
39 Cumulative sentences *[Repealed]* 25
40 Conditions of sentence *[Repealed]* 26
41 Offender excused from reporting in certain circumstances *[Repealed]* 26
42 Legal custody of offenders *[Repealed]* 26
43 Activities and work to be done by offenders *[Repealed]* 26
44 Variation, cancellation, or suspension of sentence of periodic detention *[Repealed]* 26
45 Offences relating to breach of sentence of periodic detention *[Repealed]* 26

Supervision
[Repealed]

46 Sentence of supervision *[Repealed]* 27
47 Cumulative sentences *[Repealed]* 27
48 Offender to be under supervision of probation officer *[Repealed]* 27
49 Conditions of sentence *[Repealed]* 27
50 Power of court to impose additional conditions *[Repealed]* 27
51 Variation or cancellation of sentence *[Repealed]* 27
52 Offences relating to breach of conditions of supervision *[Repealed]* 27

Community programme
[Repealed]

53 Sentence of community programme *[Repealed]* 28
54 Sentence not to be imposed until report made on available programme *[Repealed]* 28
55 Cumulative sentences *[Repealed]* 28
56 Consent to imposition of sentence not necessarily consent to medical treatment, etc *[Repealed]* 28
57 Variation or cancellation of sentence of community programme *[Repealed]* 28

General provisions
[Repealed]

58 Order to be drawn up and copy given to offender *[Repealed]* 28
59 Commencement of sentences *[Repealed]* 29
59A Commencement of community-based sentence after temporary surrender under Extradition Act 1999 *[Repealed]* 29
60 Authorised service or work for person sentenced to community service or periodic detention *[Repealed]* 29
61 Offenders not entitled to remuneration *[Repealed]* 29
62 Application of Injury Prevention, Rehabilitation, and Compensation Act 2001 to persons serving sentence of community service or periodic detention *[Repealed]* 29
63 Effect of subsequent sentences *[Repealed]* 29

Review of sentences
[Repealed]

64 Application to review sentence *[Repealed]* 30
65 Jurisdiction and procedure *[Repealed]* 30
66 Powers of court *[Repealed]* 30
67 Appeals in respect of substituted sentences *[Repealed]* 30

Part 4
Full-time custodial sentences
[Repealed]

Corrective training
[Repealed]

68 Sentence of corrective training *[Repealed]* 30
69 Period of detention *[Repealed]* 31
70 Cumulative sentences *[Repealed]* 31
71 Effect of subsequent sentence of imprisonment *[Repealed]* 31

Imprisonment
[Repealed]
72 Discretion of court to impose less than maximum term *[Repealed]* 31
73 Cumulative sentences *[Repealed]* 31
74 Rectification of warrant of commitment *[Repealed]* 31

Preventive detention
[Repealed]
75 Sentence of preventive detention *[Repealed]* 32
76 Cumulative sentences *[Repealed]* 32
77 Period of preventive detention indefinite *[Repealed]* 32

Conditions of parole
[Repealed]
77A Court on imposing sentence of imprisonment or preventive detention may impose conditions of parole *[Repealed]* 32
77B Court may impose conditions of non-association on release on parole or final release date *[Repealed]* 32
77BA Variation or discharge of conditions of non-association *[Repealed]* 32

Term of detention
[Repealed]
78 Commencement of sentence or term of committal *[Repealed]* 33
78A Commencement of full-time custodial sentence after temporary surrender under Extradition Act 1999 *[Repealed]* 33
79 Sentence to cease to run while offender unlawfully at large *[Repealed]* 33
80 Minimum periods of imprisonment *[Repealed]* 33
81 Period on remand to be taken as time served *[Repealed]* 33
81A Period in custody awaiting extradition to New Zealand to be taken as time served *[Repealed]* 33
82 Date of release to avoid weekends and holidays *[Repealed]* 34

Part 5
Disqualification from driving and confiscation of motor vehicles
[Repealed]
83 Power of court to disqualify offenders from driving motor vehicles *[Repealed]* 34
84 Court may order confiscation of motor vehicles *[Repealed]* 34

85 Offender not to acquire new interest in motor vehicle for 12 months *[Repealed]* 34
86 Registrar to notify Secretary for Transport *[Repealed]* 34
87 Disposal of confiscated motor vehicles *[Repealed]* 34
88 Order may be cancelled on application by bona fide purchaser *[Repealed]* 35

Part 6
Administration of full-time custodial sentences
[Repealed]

Release
[Repealed]

89 Discretionary release on parole *[Repealed]* 35
90 Final release *[Repealed]* 35
91 Secretary to determine offender's final release dates *[Repealed]* 35
92 Calculation of parole, final release, and sentence expiry dates *[Repealed]* 35
93 Date of release to avoid weekends and holidays *[Repealed]* 36
94 Early release for special reason *[Repealed]* 36
95 Release of offender detained in psychiatric institution while subject to sentence of imprisonment *[Repealed]* 36
96 Release for purpose of deportation *[Repealed]* 36
97 Jurisdiction of Parole Board to release offenders on parole *[Repealed]* 36
98 Parole Board to comply with policy directions *[Repealed]* 36
99 Jurisdiction of Parole Board where offender to be released at final release date *[Repealed]* 36
100 Jurisdiction of District Prisons Boards to release offenders on parole *[Repealed]* 37
101 Jurisdiction of District Prisons Boards where offender to be released at final release date *[Repealed]* 37
102 Release to habilitation centre *[Repealed]* 37
103 Release to home detention where offender has leave granted by court *[Repealed]* 37
103A Pre-parole home detention for offenders serving determinate sentence of more than 2 years *[Repealed]* 37
103B Determination of application for release to home detention *[Repealed]* 37
103C Other provisions applying to home detention *[Repealed]* 37
104 Matters to be considered when determining release on parole *[Repealed]* 38
105 Offender may be required to serve full term *[Repealed]* 38

106 Reports and representations to Boards *[Repealed]* 38
106A Right of victims to be heard at parole hearings and hearing to consider release to home detention *[Repealed]* 38
107 Rights of offender whose case is to be considered by Parole Board or District Prisons Board *[Repealed]* 38
107A Conditions of release *[Repealed]* 38
107B Standard conditions *[Repealed]* 38
107C Special conditions *[Repealed]* 39
107D Residential conditions *[Repealed]* 39
107E Conditions applying to corrective trainees *[Repealed]* 39
107F Released offender on licence *[Repealed]* 39
107G Variation and discharge of conditions *[Repealed]* 39
107H Breach of conditions *[Repealed]* 39

Recall
[Repealed]

107I Application for recall *[Repealed]* 39
107J Interim order for recall *[Repealed]* 40
107K Other section 107I applications *[Repealed]* 40
107L Determination of application for recall *[Repealed]* 40
107M Appeal from order for recall *[Repealed]* 40
107N Discharge from liability to recall *[Repealed]* 40

Part 7
Mentally disordered persons
[Repealed]

108 Interpretation *[Repealed]* 40
109 When finding of disability may be made *[Repealed]* 41
110 Postponement of finding *[Repealed]* 41
111 Procedure *[Repealed]* 41
112 Appeal against finding of disability *[Repealed]* 41
113 Finding of insanity *[Repealed]* 41
114 Appeal against acquittal on account of insanity *[Repealed]* 41
115 Order to be made if person under disability or insane *[Repealed]* 41
116 Duration of order for detention as special patient where defendant under disability *[Repealed]* 41
117 Duration of order for detention as special patient where person acquitted on account of insanity *[Repealed]* 42
118 Power of court to commit to institution on conviction *[Repealed]* 42
119 Notices to be sent to Public Trustee of certain orders *[Repealed]* 42

120 Temporary reception orders under Mental Health Act 1969 for certain defendants *[Repealed]* 42
121 Power of court to require psychiatric report *[Repealed]* 42
122 Disclosure of psychiatric reports *[Repealed]* 42
123 Access to psychiatric reports *[Repealed]* 42

Part 8
Administration of Act
[Repealed]

124 Probation officers *[Repealed]* 43
124A Probation officer may delegate power to supervise offenders on community work *[Repealed]* 43
125 Duties of probation officers *[Repealed]* 43
125A Pilot home detention schemes *[Repealed]* 43
125B Offences *[Repealed]* 43
126 Establishment of community work centres *[Repealed]* 43
127 Controlling officer of probation area *[Repealed]* 44
128 Wardens *[Repealed]* 44
129 Secretary may make rules *[Repealed]* 44
130 Parole Board *[Repealed]* 44
131 Meetings and procedure of Parole Board *[Repealed]* 44
132 District Prisons Boards *[Repealed]* 44
133 Meetings and procedures of District Prisons Boards *[Repealed]* 44
134 Criminal Justice Advisory Councils *[Repealed]* 44
135 Functions of Criminal Justice Advisory Council *[Repealed]* 45
136 Secretary responsible for general administration of Act *[Repealed]* 45

Part 9
Miscellaneous provisions

137 Sentence not invalidated by mistake in age of offender *[Repealed]* 45
138 Power to clear court and forbid report of proceedings *[Repealed]* 45
139 Prohibition against publication of names in specified sexual cases *[Repealed]* 45
139A Protection of identity of children called as witnesses in criminal proceedings *[Repealed]* 45
140 Court may prohibit publication of names *[Repealed]* 46
141 Publication by or at request of Police, etc *[Repealed]* 46

142 Special provisions as to young persons remanded or committed for trial or sentence 46
142AA Special provisions until 1 July 2004 as to young persons remanded or committed for trial or sentence *[Expired]* 49
142AB Expiry of section 142AA 49
142A Detention of children or young persons serving sentence of imprisonment 49
143 Warrant of commitment for full-time custodial sentence *[Repealed]* 50
144 Commutation of death sentence to sentence of imprisonment *[Repealed]* 51
145 Remission of monetary penalties *[Repealed]* 51
146 Royal prerogative not affected 51
147 Minister of the Crown who is responsible for the Department of Corrections may approve subsidies for voluntary groups 51
148 Consent to treatment, etc, not affected *[Repealed]* 52
149 Regulations 52
150 Amendments and repeals *[Repealed]* 53

Part 10
Transitional provisions
[Repealed]

151 Offenders liable to come up for sentence if called upon *[Repealed]* 53
152 Reparation *[Repealed]* 53
153 Community service *[Repealed]* 53
154 Periodic detention *[Repealed]* 54
155 Probation and supervision *[Repealed]* 54
156 Corrective training *[Repealed]* 54
157 Imprisonment and preventive detention *[Repealed]* 54
158 Persons under 16 years imprisoned for summary offence *[Repealed]* 54
159 Offenders released early for special reason *[Repealed]* 54
160 Administration of full-time custodial sentences *[Repealed]* 54
161 Mentally disordered persons *[Repealed]* 54
162 Appointments and delegations *[Repealed]* 55

Schedule 1 56
Enactments consequentially amended
[Repealed]

Schedule 2 56
Enactments repealed
[Repealed]

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 **serving 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

[Repealed]

Part 8: repealed, on 1 June 2005, pursuant to section 208(1) of the Corrections Act 2004 (2004 No 50).

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
[Repealed]

Section 138: repealed, on 5 March 2012 (applying in relation to a proceeding for an offence that was committed before that date in accordance with the provisions of sections 397 and 399–401 of the Criminal Procedure Act 2011), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

139 Prohibition against publication of names in specified sexual cases
[Repealed]

Section 139: repealed, on 5 March 2012 (applying in relation to a proceeding for an offence that was committed before that date in accordance with the provisions of sections 397 and 399–401 of the Criminal Procedure Act 2011), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

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

Section 139A: repealed, on 5 March 2012 (applying in relation to a proceeding for an offence that was committed before that date in accordance with the provisions of sections 397 and 399–401 of the Criminal Procedure Act 2011), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

140 Court may prohibit publication of names

[Repealed]

Section 140: repealed, on 5 March 2012 (applying in relation to a proceeding for an offence that was committed before that date in accordance with the provisions of sections 397 and 399–401 of the Criminal Procedure Act 2011), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

141 Publication by or at request of Police, etc

[Repealed]

Section 141: repealed, on 5 March 2012 (applying in relation to a proceeding for an offence that was committed before that date in accordance with the provisions of sections 397 and 399–401 of the Criminal Procedure Act 2011), by section 393 of the Criminal Procedure Act 2011 (2011 No 81).

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 July 2013, 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)

Criminal Procedure Act 2011 (2011 No 81): sections 393, 411

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

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)

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)

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

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