



## ANALYSIS

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1963, No. 35

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

[18 October 1963]

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 1963, and shall be read together with and deemed part of the Criminal Justice Act 1954 (hereinafter referred to as the principal Act).

(2) Section 3 of this Act shall be deemed to have come into force on the first day of November, nineteen hundred and sixty-one, being the date of the commencement of section 4 of the Criminal Justice Amendment Act 1961.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the first day of December, nineteen hundred and sixty-three.

**2. Corrective training abolished**—(1) Sections 21 to 23 of the principal Act are hereby repealed.

(2) The principal Act is hereby consequentially amended in the manner indicated in the Schedule to this Act.

- (3) The Penal Institutions Act 1954 is hereby amended—
- (a) By omitting from subsection (1) of section 21A (as inserted by section 2 of the Penal Institutions Amendment Act 1961) the words “or corrective training”:
  - (b) By omitting from section 41 the words “corrective training”.
- (4) Section 22 of the Criminal Justice Amendment Act 1962 is hereby amended by omitting from subsection (1) the words “corrective training”.
- (5) The following enactments are hereby repealed:
- (a) So much of the Third Schedule to the Crimes Act 1961 as relates to section 21 of the principal Act:
  - (b) So much of the First Schedule to the Criminal Justice Amendment Act 1961 as relates to subsection (2) of section 36 or to subsections (4), (5), and (6) of section 38 of the principal Act.
- (6) Where immediately before the commencement of this section any person is subject to a sentence of corrective training, whether he is detained under the sentence or is on probation following his release from detention, the sentence shall continue to have effect according to its tenor, and the provisions of the principal Act and of every other enactment applicable to every person subject to such a sentence shall continue to apply to him, as if this Act had not been passed.

**3. Membership of Parole Boards**—(1) Section 31 of the principal Act (as substituted by section 4 of the Criminal Justice Amendment Act 1961) is hereby amended by adding to paragraph (b) of subsection (2) the words “who shall be the Deputy Chairman”.

(2) Section 31 of the principal Act (as substituted as aforesaid) is hereby further amended by inserting, after subsection (3), the following subsection:

“(3A) Any member of a Borstal Parole Board appointed under paragraph (d) of subsection (2) of this section may, if he ceases to be a resident of the locality in which the institution is situated, be removed from office by the Governor-General, but, unless he is so removed, he shall not cease to be a member of the Board by reason of his ceasing to be such a resident.”

(3) Section 31 of the principal Act (as substituted as aforesaid) is hereby further amended by inserting, after subsection (7), the following subsection:

“(7A) Where the Chairman of a Borstal Parole Board does not attend any meeting of the Board and no Magistrate attends

the meeting in his place, the Deputy Chairman while attending that meeting and in respect of any matter arising from that meeting shall be deemed for all purposes to be the Chairman of the Board.”

(4) Section 31 of the principal Act (as substituted as aforesaid) is hereby further amended by repealing subsection (8), and substituting the following subsection:

“(8) In the absence of the Secretary for Justice from any meeting of a Parole Board, he may authorise any other officer or any former officer of the Department of Justice to attend the meeting in his stead, and, while any such officer or former officer is attending any meeting under this subsection, he shall be deemed for all purposes to be a member of the Board and, in the case of a Borstal Parole Board, to be the Deputy Chairman of it. The fact that any such officer or former officer attends and acts as a member of the Board at any such meeting shall be conclusive proof of his authority to do so and, in the case of a Borstal Parole Board, of his authority to act as Deputy Chairman at the meeting.”

(5) Section 33 of the principal Act (as substituted by section 4 of the Criminal Justice Amendment Act 1961) is hereby amended by inserting in subsection (3), after the words “in place of the Chairman”, the words “or the Deputy Chairman”.

**4. Membership of Borstal Parole Board by Superintendent of institution**—Section 31 of the principal Act (as substituted as aforesaid) is hereby further amended by inserting, after subsection (8), the following subsection:

“(8A) At any meeting of a Borstal Parole Board which is being held in an institution other than the institution in respect of which the Board was appointed, the Superintendent of the institution where the meeting is being held may attend the meeting in place of the Superintendent of the institution in respect of which the Board was appointed, and while attending that meeting he shall be deemed for all purposes to be a member of the Board.”

**5. Revocation of directions for release of offenders**—(1) Section 33B of the principal Act (as enacted by section 4 of the Criminal Justice Amendment Act 1961) is hereby amended by inserting, after subsection (7), the following subsections:

“(7A) A direction given by a Borstal Parole Board for the release of any offender may be revoked by the Board at any time before the offender is released, if the Board is satisfied that by reason of the offender’s conduct since it was given he ought not to be released in accordance with the direction.

“(7B) In any case where the Secretary for Justice is of the opinion that a Borstal Parole Board should be asked to consider the revocation of a direction for release given in respect of any offender, but it is not practicable to hold a meeting of the Board before the offender is entitled to be released in accordance with the direction, the Secretary for Justice may suspend the direction until the next meeting of the Board.”

(2) Section 34 of the principal Act is hereby amended by adding the following subsection:

“(3) A direction given by the Minister for the release of any offender may be revoked by the Minister at any time before the offender is released.”

**6. Meaning of “fine” in provisions as to periodic detention—**Section 3 of the Criminal Justice Amendment Act 1962 is hereby amended by inserting, before the definition of the term “Warden”, the following definition:

“‘Fine’ includes any sum of money adjudged to be paid by a conviction, whether as a fine or for costs or otherwise:”.

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## SCHEDULE

Section 2

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON ABOLITION OF  
CORRECTIVE TRAINING

Section of Principal Act Amended	Amendment
Section 12 .....	By omitting from subsection (1) the words "or to corrective training".
Section 16 (as substituted by section 4 of the Criminal Justice Amendment Act 1960)	By omitting from paragraph (a) of subsection (5) the words "or to corrective training".
Section 29 ... ..	By repealing subsection (2).
	By omitting from subsection (3) the words "or of corrective training".
	By omitting from subsection (4) the words "or of corrective training", and also the words "or corrective training", and also the words "in the case of borstal training or thirty-five years in the case of corrective training".
	By omitting from subsection (5) the words "or of corrective training".
	By omitting from paragraph (a) of subsection (5) and also from paragraph (b) of that subsection the words "or corrective training" wherever they occur.
	By omitting from subsection (6) the words "or of corrective training".
Section 32 (as substituted by section 4 of the Criminal Justice Amendment Act 1961)	By omitting from subsection (1) the words "corrective training".
Section 33A (as inserted by section 4 of the Criminal Justice Amendment Act 1961)	By omitting from paragraph (a) of subsection (1) and also from paragraphs (b) and (c) of that subsection the words "corrective training".
	By repealing paragraph (a) of subsection (2).
	By omitting from subsection (4) (as substituted by subsection (2) of section 26 of the Criminal Justice Amendment Act 1962) the words "corrective training".
Section 35 .....	By omitting from subsection (1) and also from subsection (3) the words "or of corrective training" wherever they occur.

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL ON ABOLITION OF  
CORRECTIVE TRAINING—*continued*

Section of Principal Act Amended	Amendment
Section 36	By omitting from subsection (2) the words "or of corrective training" and also the words "or corrective training". By omitting from subsection (2) (as amended by subsection (1) of section 5 of the Criminal Justice Amendment Act 1961) the words "direction of a Borstal Parole Board or recommendation of the Prisons Parole Board, as the case may be", and substituting the words "direction of a Borstal Parole Board".
Section 37	By omitting from subsection (2) the words "corrective training".
Section 38	By omitting from subsection (4) and also from subsections (5) and (6) the words "the Prisons Parole Board, in the case of a probationer who is on probation after undergoing corrective training, preventive detention, or imprisonment, or to any Borstal Parole Board, in the case of an offender who is on probation after undergoing borstal training" (as substituted by subsection (1) of section 5 of the Criminal Justice Amendment Act 1961), and substituting in each case the words "any Borstal Parole Board, in the case of a probationer who is on probation after undergoing borstal training, and to the Prisons Parole Board in any other case".
Section 43	By omitting from subsection (1) the words "corrective training".
Section 50	By omitting from subsection (1) the words "or corrective training".

This Act is administered in the Department of Justice.