

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Thursday, the 21st Day of September 1961

CRIMINAL JUSTICE AMENDMENT BILL

Proposed Amendments

Hon. Mr HANAN, in Committee, to move the following amendments:

Clause 6: To omit from *subclause (1)* the proposed new section 44A, and substitute the following section:

“44A. (1) Where any person is convicted of any offence specified in Part I of the Second Schedule to this Act or of any offence specified in Part II of that Schedule and, in the case of any offence specified in the said Part II, the person convicted was at the time of the commission of the offence the driver or person in charge of a motor vehicle as defined in the Transport Act 1949, the convicting Court, whether or not it imposes any other penalty for the offence or makes any other order authorised by any other enactment,—

“(a) May, if the person convicted holds a motor-driver’s licence under Part II of the Transport Act 1949, cancel the licence or suspend it for such period after the date of the conviction, being a period not exceeding two years, as the Court thinks fit, and may also declare the person convicted to be disqualified from obtaining a motor-driver’s licence or any specified class of motor-driver’s licence for such period after the date of the conviction, being a period not exceeding two years, as the Court thinks fit:

“(b) May, if the person convicted does not hold a motor-driver’s licence under the said Part II, declare him to be disqualified from obtaining a motor-driver’s licence or any specified class of motor-driver’s licence for such period as the Court thinks fit, being a period not exceeding two years after the date of the conviction or, if the person is under the age of fifteen years, not exceeding two years after the day on which he attains that age:

“(c) Shall, if the Court makes an order of cancellation or suspension or disqualification under this subsection, cause particulars of the conviction and of any such order to be endorsed on the defendant’s motor-driver’s licence (if any) and on every motor-driver’s licence that may thereafter be issued to him within the next succeeding period of three years.

“(2) The provisions of section 31 of the Transport Act 1949, except subsections (1) and (3) thereof, shall apply, so far as they are applicable and with the necessary modifications, in every case where the Court makes an order of cancellation or suspension or disqualification under this section.”

First Schedule: To omit so much of the second column as relates to section 20 of the principal Act, and substitute the following words:

By omitting the words “recommendation of the Parole Board”, and substituting the words “direction of a Borstal Parole Board”.

EXPLANATORY NOTE

Clause 6 (1): The proposed new section 44A of the principal Act providing for the disqualification from holding or obtaining motor-driver's licences of persons convicted of certain offences was drafted on the assumption that the Transport Bill would be passed this session. In view of the decision not to proceed with that Bill this session, it is necessary to redraft the proposed new section 44A in order to conform to the disqualification provisions of the Transport Act 1949, which differ from those of the Transport Bill. This amendment substitutes a redrafted section 44A making the necessary changes.

First Schedule: This amendment is a consequential one that was omitted from the Bill. It is consequential on the provisions of the Bill that a Borstal Parole Board will itself have the function of directing the release of offenders undergoing borstal training instead of recommending to the Minister the release of such offenders.