



## THE CRIMINAL JUSTICE REGULATIONS 1985

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DAVID BEATTIE, Governor-General

### ORDER IN COUNCIL

At the Government House at Wellington this 16th day of September  
1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 149 of the Criminal Justice Act 1985, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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#### ANALYSIS

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#### REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Criminal Justice Regulations 1985.

(2) These regulations shall come into force on the 1st day of October 1985.

**2. Interpretation**—In these regulations, the term “the Act” means the Criminal Justice Act 1985.

**3. Forms prescribed**—The forms in the First Schedule to these regulations, or forms to the like effect, may be used, with such variations as the circumstances may require, in connection with proceedings under the Act.

**4. Obligations of persons subject to sentence of community service—**

- (1) Every person who is subject to a sentence of community service—
- (a) Shall report to his or her supervising officer as and when required to do so by the supervising officer; and
  - (b) Shall, on changing his or her address, notify the supervising officer of the new address.
- (2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$200 who fails to report to his or her supervising officer, or fails to notify the supervising officer of any change of address, when required to do so by or under subclause (1) of this regulation.

**5. Orders for periodic detention**—A copy of every order for a sentence of periodic detention shall be sent to the Warden of the work centre specified in the order.

**6. Application of regulations 7, 8, and 10**—(1) For the purposes of regulations 7, 8, and 10 of these regulations,—

- (a) A person on whom a term of imprisonment is imposed (whether by way of committal, sentence, or order) for non-payment of a sum of money or for disobedience of a court order or for contempt of court shall be treated as an offender who is subject to a sentence of imprisonment for that term:
  - (b) Terms of imprisonment under cumulative sentences shall be treated as one term.
- (2) Regulations 7, 8, and 10 of these regulations shall apply in respect of police jails as if every reference to the Secretary were a reference to the District Commander of the Police district in which the jail is situated.

**7. Inmates to be informed of right to remission**—(1) Every inmate who is subject to a sentence of imprisonment otherwise than for life, or to corrective training, shall, upon admission to a penal institution for the purposes of the sentence, be informed in writing, in a form approved by the Secretary, of the following matters:

- (a) The inmate's eligibility for remission of sentence after the expiry of two-thirds of the term of the sentence, in accordance with section 80 (1) of the Act:
  - (b) The circumstances in which any such eligibility for remission may be postponed, in accordance with sections 33 (3) (a) and 34 (3) (a) of the Penal Institutions Act 1954:
  - (c) In the case of an inmate who is subject to an order made under section 47 of the Misuse of Drugs Amendment Act 1978, the effect of that order on such eligibility for remission of sentence.
- (2) The officer handing the written information to the inmate shall satisfy himself or herself that the inmate understands it.

**8. Determination of offenders' remission dates**—(1) For the purpose of determining under section 90 of the Act the remission date of an offender who is subject to a sentence of imprisonment otherwise than for life, or to a sentence of corrective training, the Secretary shall, as soon as practicable after the inmate is admitted to a penal institution for the purposes of the sentence, calculate the length of the sentence in days (unless it was expressed in days by the Court).

(2) The Secretary shall then determine the date on which the offender shall become eligible for remission of sentence, which date shall be as follows:

- (a) In the case of an inmate who is subject to a sentence of imprisonment, or to a sentence of corrective training, the first day after the expiry of two-thirds of the number of days of the sentence, as calculated under subclause (1) of this regulation or as expressed by the Court in passing the sentence;
  - (b) In the case of an inmate who is subject to 2 or more concurrent sentences, the later or latest of the dates calculated in accordance with paragraph (a) of this subclause;
  - (c) In the case of an inmate who will remain subject to an order made under section 47 of the Misuse of Drugs Amendment Act 1978 on the date calculated in accordance with paragraph (a) or paragraph (b) of this clause, the day after the date on which the order will expire.
- (3) In determining any inmate's remission date under subclause (2) of this regulation, the Secretary shall take into account the total period (if any) during which the inmate was held on remand in penal custody at any stage of the proceedings leading to the inmate's conviction or pending sentence, being the period specified by the Court on the warrant of commitment in accordance with section 81 (2) of the Act.

(4) As soon as practicable after determining the date on which the inmate will become eligible for remission of sentence, the inmate shall be informed of that date.

(5) Thereafter the inmate shall be informed, on request, of the date on which he or she shall become eligible for remission of sentence—

- (a) Once in every month, in the case of an inmate who is subject to a sentence of imprisonment;
  - (b) Once in every week, in the case of an inmate who is subject to a sentence of corrective training.
- (6) Without limiting subclause (5) of this regulation, whenever the date fixed as the date on which an inmate shall become eligible for remission of sentence is changed for any reason, the inmate shall be informed as soon as practicable of the change and the reasons for it.

(7) On the transfer of an inmate to another penal institution, the Superintendent of the institution from which the inmate is to be transferred shall ensure that the date fixed as the date on which the inmate shall become eligible for remission of sentence is endorsed on the file relating to the inmate.

(8) Subject to subclauses (9) and (10) of this regulation, any inmate who is detained in a penal institution or is otherwise in penal custody on the date fixed as the date on which the inmate shall become eligible for remission of sentence, or on such earlier date for release calculated in relation to that date in accordance with section 82 of the Act, shall be released on that date.

(9) No inmate shall be released pursuant to subclause (8) of this regulation if, on the date in question, the inmate is subject to any order for detention.

(10) Any date fixed as the date on which an inmate shall become eligible for remission of sentence, or any earlier date calculated in relation to that date in accordance with section 82 of the Act, may be changed at any time before the inmate is released from a penal institution or from any other form of penal custody.

**9. Fees of medical practitioners**—There shall be payable to every medical practitioner who gives a certificate for any of the purposes of Part VII of the Act a fee in accordance with the scale prescribed by regulation 3 of the Mental Health (Fees and Forms) Regulations 1969\*.

**10. Transitional provision**—Regulations 7 and 8 of these regulations, with any necessary modifications, shall apply in respect of every person who, immediately before the date of the commencement of these regulations, was subject to a sentence of imprisonment otherwise than for life, or to any sentence of corrective training, and who had not been released on probation under Part V of the Criminal Justice Act 1954, or (having been so released) had been recalled under that Part of that Act, before that date, as if that person were admitted to a penal institution for the purposes of that sentence on that date.

**11. Revocations**—The regulations specified in the Second Schedule to these regulations are hereby revoked.

SCHEDULES

Reg. 3

FIRST SCHEDULE

PRESCRIBED FORMS

Form 1

SUMMONS TO OFFENDER SUBJECT TO AN ORDER TO COME UP FOR SENTENCE  
IF CALLED UPON

(Section 21, Criminal Justice Act 1985)

TO [Full name] of [Address], [Occupation]

On the ..... day of ..... 19..... you were convicted of ..... (in this summons called the original offence), and ordered to come up for sentence if called upon within ..... months.

On the ..... day of ..... 19..... an application was made for you to be brought before this Court to be dealt with for the original offence on the following ground(s):

\*That on the ..... day of ..... 19..... you were convicted by the ..... Court at ..... of ....., being an offence punishable by imprisonment for a term of more than 3 months.

\*That you have failed to comply with an order for costs (or an order for restitution of property) made by the Court by which you were convicted of the original offence.

You are summoned to appear on ..... day the ..... day of ..... 19..... at ..... a.m. (p.m.) in the ..... Court at ..... to show cause why you should not be dealt with for the original offence.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.

\*Delete if inapplicable.

FIRST SCHEDULE—continued

Form 2

WARRANT TO ARREST OFFENDER SUBJECT TO AN ORDER TO COME UP FOR SENTENCE IF CALLED UPON

(Section 21, Criminal Justice Act 1985)

TO every constable

On the ..... day of ..... 19..... [Full name] of [Address], [Occupation] (in this warrant called the offender) was convicted of ..... (in this warrant called the original offence), and ordered to come up for sentence if called upon within ..... months.

On the ..... day of ..... 19..... an application was made for the offender to be brought before this Court to be dealt with for the original offence.

\*On the ..... day of ..... 19..... a summons was issued to the offender requiring the offender to appear in this Court on the ..... day of ..... 19..... to show cause why the offender should not be dealt with for the original offence, but the offender failed to appear before this Court in answer to the summons.

You are hereby directed to arrest the offender and have the offender brought before this Court to show cause why the offender should not be dealt with for the original offence.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

\*Delete if inapplicable.

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FIRST SCHEDULE—continued

Form 3

ATTACHMENT ORDER

(Section 24 (b), Criminal Justice Act 1985)

[Full name] of [Address], [Occupation] (in this order called the employee) was on the ..... day of ..... 19..... convicted of ..... by the ..... Court at ..... and sentenced to make reparation.

The employee has consented to the making of this order.

At the date of this order ..... remains owing under the sentence (that amount in this order being called the secured amount).

I am satisfied that [Full name] of [Address], [Occupation] (in this order called the employer) is the employer of the employee.

IT IS HEREBY ORDERED that the amount secured shall, by way of weekly (fortnightly) (monthly) payments of ....., be a charge on any salary or wages that from time to time while this attachment order remains in force become due and payable by the employer to the employee.

AND THE CHARGE SO CREATED shall attach to all salary or wages that become due by the employer to the employee at any time while this order remains in force, whether the contract of employment in respect of which the salary or wages so become due existed at the date of this order or not, and shall prevail over and have priority to any assignment made or charge created by the employee, whether before or after the making of this order.

So long as this order remains in force, the employer shall from time to time, so often as any money becomes due and payable by the employer to the employee by way of salary or wages, deduct the sum of ..... per week (fortnight) (month), the first deduction to be made on the pay day next following the date upon which a duplicate of this order is served upon the employer (either personally or by leaving it at the employer's place of residence or business, or at any of the employer's places of business, or by registered letter addressed to the employer at the employer's place of residence or business, or at any of the employer's places of business). (Where the employee is employed by a Department of State, by sending a duplicate of the order by registered letter addressed to the Permanent Head and also referring to the Office of the Crown specified in this order.)

AND THEREAFTER on every pay day, and to pay the amount so deducted to the Registrar of the ..... Court at ..... until such time as the amount secured is paid or until this order expires, whichever first occurs.

This order shall come into force on the ..... day of ..... 19..... and expire with the ..... day of ..... 19.....\* unless sooner varied, suspended, or discharged.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

\*The period of the order shall not exceed 12 months.

FIRST SCHEDULE—*continued*

## NOTICE TO EMPLOYER

1. An employer in making any deduction or payment under this order shall not be concerned to make inquiry as to whether any money is due and payable under the sentence.

2. Every employer commits an offence who fails, within 14 days after deducting any sum from the wages or salary of any employee, to pay the sum so deducted to the person specified in the order, and is thereupon liable on summary conviction to a fine not exceeding \$50.

3. Where an employee in respect of whom an attachment order is in force leaves or is dismissed from his or her employment, the employer is required within 7 days thereof to notify the Registrar of the ..... Court at .....

4. If you are in doubt or do not clearly understand your obligations as employer under this order, you should see your solicitor or the Registrar of the ..... Court at ..... immediately.

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 Form 4

## ORDER FOR SENTENCE OF COMMUNITY SERVICE

(Section 29, Criminal Justice Act 1985)

TO [Full name] of [Address], [Occupation]

At a sitting of the ..... Court at ..... this ..... day of ..... 19..... you were, with your consent, sentenced to community service for ..... hours for ....., being an offence punishable by imprisonment.

(Deputy) Registrar.

*Note:* Section 32 (2) of the Criminal Justice Act 1985 requires the offender to report to the Supervising Officer within 72 hours after the sentence of community service is imposed.

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FIRST SCHEDULE—*continued*

## Form 5

## ORDER FOR SENTENCE OF PERIODIC DETENTION

*(Section 37, Criminal Justice Act 1985)*

TO [Full name] of [Address], [Occupation] at a sitting of the ..... Court at ..... this ..... day of ..... 19..... you were sentenced to periodic detention for a term of ..... months for ....., being an offence punishable by imprisonment.

The Court has ordered as follows:

1. That you shall report at the ..... Work Centre at ..... o'clock a.m. (p.m.) on the ..... day of ..... 19.....
2. That thereafter you shall report at that work centre—
  - \*(a) On ..... occasions in each week during the sentence:
  - \*(b) On one occasion in each week during the sentence and on such other occasion or occasions in each week as the Warden may from time to time specify:
  - \*(c) On such number of occasions in each week during the sentence as the Warden may from time to time specify.
3. That the maximum duration of each period of custody shall be ..... hours†

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.

\*Delete whichever are inapplicable.

†Section 40(3) of the Criminal Justice Act 1985 provides that no period of custody shall be longer than 9 hours, and the aggregate in any week shall not exceed 15 hours.

FIRST SCHEDULE—continued

Form 6

ORDER FOR SENTENCE OF SUPERVISION  
(Section 46, Criminal Justice Act 1985)

TO [Full name] of [Address], [Occupation]

At a sitting of the ..... Court at ..... this ..... day of ..... 19..... you were sentenced to supervision for a period of ..... for ....., being an offence punishable by imprisonment.

In addition to the statutory conditions, which are set out on the back of this form, the Court imposed the following conditions:

.....  
.....  
.....  
.....  
.....

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.

[To be printed on reverse of Form 6]

STATUTORY CONDITIONS OF SENTENCE OF SUPERVISION

Section 49 of the Criminal Justice Act 1985 provides that the following conditions shall apply to every sentence of supervision:

- (a) As soon as practicable, and not later than 72 hours, after the sentence is imposed, the offender shall report in person to a probation officer for the district in which the court office is situated:
- (b) The offender shall report to the probation officer under whose supervision the offender is as and when required to do so by the probation officer, and shall notify the officer of his or her residential address and the nature and place of his or her employment when requested to do so:
- (c) The offender shall give to the probation officer reasonable notice before moving from his or her residential address; and, if the offender removes to any place within the district of another probation officer, the offender shall, within 72 hours after arriving in that district, notify that other probation officer of his or her address, and the nature and place of his or her employment:
- (d) The offender shall not reside at any address at which the probation officer has directed the offender not to reside:
- (e) The offender shall not engage, or continue to engage, in any employment or occupation in which the probation officer has directed the offender not to engage or continue to engage:
- (f) The offender shall not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed the offender not to associate.

FIRST SCHEDULE—continued

Form 7

ORDER FOR SENTENCE OF COMMUNITY CARE

(Section 53, Criminal Justice Act 1985)

TO [Full name] of [Address], [Occupation]

At a sitting of the ..... Court at ..... this ..... day of ..... 19..... you were, with your consent, sentenced to community care for ..... months for ....., being an offence punishable by imprisonment.

The terms of the programme that you are required to undergo, as agreed between the Court, yourself, and the person(s) or agency conducting the programme, or any representative(s) of that person or agency, are as follows:

.....  
.....  
.....  
.....  
.....

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.

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Form 8

WARRANT TO ARREST OFFENDER

(Section 65, Criminal Justice Act 1985)

TO every constable

On the ..... day of ..... 19..... [Full name] of [Address], [Occupation] (in this warrant called the offender) was convicted of ..... by the ..... Court at ..... and was sentenced to .....

An application has been made under section ..... of the Criminal Justice Act 1985 for the ..... of the sentence.

And I direct you to arrest the offender and bring the offender before the ..... Court at ..... as soon as possible to enable the application to be dealt with.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

\_\_\_\_\_

FIRST SCHEDULE—continued

Form 9

WARRANT OF COMMITMENT FOR CORRECTIVE TRAINING

(Sections 68 and 143, Criminal Justice Act 1985)

TO every constable, and to the Superintendent of the Corrective Training Institution at .....

[Full name] of [Address], [Occupation] (in this warrant called the offender) was on the ..... day of ..... 19..... convicted of ..... by the ..... Court at ..... and was this day sentenced to corrective training.

\*The offender was legally represented (within the meaning of section 10 of the Criminal Justice Act 1985) at the stage of the proceedings at which the offender was at risk of conviction.

\*The offender was not legally represented (within the meaning of section 10 of the Criminal Justice Act 1985) at the stage of the proceedings at which the offender was at risk of conviction, but the Court was satisfied, in accordance with section 10 of the Criminal Justice Act 1985, that the offender refused or failed to exercise his or her rights relating to legal representation (or engaged counsel but subsequently dismissed him or her).

NOW THEREFORE you, the said constables, are hereby directed to deliver the offender to the Superintendent of the Corrective Training Institution at .....

And you, the said Superintendent, are hereby directed to receive the offender into your custody and to detain the offender for the purposes of the sentence.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

\*Delete whichever is inapplicable.



FIRST SCHEDULE—continued

Form 10

WARRANT OF COMMITMENT FOR IMPRISONMENT

(Section 143, Criminal Justice Act 1954)

TO every constable, and to the Superintendent of the prison at .....

[Full name] of [Address], [Occupation] (in this warrant called the offender) was on the ..... day of ..... 19..... convicted of ..... by the ..... Court at ..... and was this day sentenced to imprisonment for a term of .....

\*The offender was legally represented (within the meaning of section 10 of the Criminal Justice Act 1985) at the stage of the proceedings at which the offender was at risk of conviction.

\*The offender was not legally represented (within the meaning of section 10 of the Criminal Justice Act 1985) at the stage of the proceedings at which the offender was at risk of conviction, but the Court was satisfied, in accordance with section 10 of the Criminal Justice Act 1985, that the offender refused or failed to exercise his or her rights relating to legal representation (or engaged counsel but subsequently dismissed him or her).

NOW THEREFORE you, the said constables, are hereby directed to deliver the offender to the Superintendent of the prison at .....

And you, the said Superintendent, are hereby directed to receive the offender into your custody and to detain the offender for the purposes of the sentence.

The period spent by the offender in custody on remand is hereby specified for the purposes of section 81 of the Criminal Justice Act 1985 as ..... days.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

\*Delete whichever is inapplicable.



FIRST SCHEDULE—*continued*

## Form 11

## WARRANT OF COMMITMENT FOR PREVENTIVE DETENTION

*(Sections 75 and 143, Criminal Justice Act 1985)*

TO every constable, and to the Superintendent of the prison at .....

[*Full name*] of [*Address*], [*Occupation*] (in this warrant called the offender) was on the ..... day of ..... 19..... convicted of ..... by the ..... Court at ..... and was this day sentenced to preventive detention.

\*The offender was legally represented (within the meaning of section 10 of the Criminal Justice Act 1985) at the stage of the proceedings at which the offender was at risk of conviction.

\*The offender was not legally represented (within the meaning of section 10 of the Criminal Justice Act 1985) at the stage of the proceedings at which the offender was at risk of conviction, but the Court was satisfied, in accordance with section 10 of the Criminal Justice Act 1985, that the offender refused or failed to exercise his or her rights relating to legal representation (*or engaged counsel but subsequently dismissed him or her*).

NOW THEREFORE you, the said constables, are hereby directed to deliver the offender to the Superintendent of the prison at .....

And you, the said Superintendent, are hereby directed to receive the offender into your custody and to detain the offender until the offender is directed by the Parole Board to be released.

The period spent by the offender in custody on remand is hereby specified for the purposes of section 81 of the Criminal Justice Act 1985 as ..... days.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

\*Delete whichever is inapplicable.

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FIRST SCHEDULE—continued

Form 12

WARRANT FOR CONFISCATION OF MOTOR VEHICLE

(Section 84 (6), Criminal Justice Act 1985)

TO every constable and every bailiff, and to the Registrar of the ..... Court at .....

[Full name] of [Address], [Occupation] (in this warrant called the offender) was on the ..... day of ..... 19..... convicted of ..... by the ..... Court at .....

On the ..... day of ..... 19..... an order was made by the ..... Court at ..... for the confiscation of the following motor vehicle in which the defendant has an interest:

Make and model of vehicle .....

Year of first registration .....

Registration number .....

Under the confiscation order the offender was required to surrender the motor vehicle to a constable or bailiff or the Registrar at ..... on the ..... day of ..... 19..... at ..... a.m. (p.m.).

The offender has failed to surrender the motor vehicle.

I DIRECT YOU, unless the motor vehicle is sooner surrendered to a constable or bailiff or the Registrar, to seize the motor vehicle and to deliver it into the custody of the Registrar of the ..... Court at .....

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

\_\_\_\_\_

FIRST SCHEDULE—*continued*

## Form 13

WARRANT FOR RETURN TO PRISON OF RELEASED OFFENDER FOLLOWING  
RECALL*(Section 106, Criminal Justice Act 1985)*

TO every constable, and to the Superintendent of the prison at .....

[*Full name*] of [*Address*], [*Occupation*] (in this warrant called the offender) was on the ..... day of ..... 19..... released on parole from the prison at ..... in respect of a sentence of .....

Pursuant to section 106 of the Criminal Justice Act 1985, I have this day directed that the offender be recalled.

NOW THEREFORE you, the said constables, are hereby directed to return the offender to the Superintendent of the prison at .....

And you, the said Superintendent, are hereby directed to receive the offender into your custody and to detain the offender until the offender is again released according to law.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

Judge.

## Form 14

## ORDER FOR DETENTION OF PERSON UNDER DISABILITY

*(Section 115, Criminal Justice Act 1985)*

TO every constable, and to the Superintendent of the ..... hospital

[*Full name*] of [*Address*], [*Occupation*] (in this order called the defendant) was committed for trial for ..... (*or has appeared before the Court for the (preliminary) hearing of an information for .....*)

The Court is satisfied that the defendant is under disability and (being satisfied by the medical evidence that the defendant is too ill to come to Court) has (in the defendant's absence) directed a finding to that effect to be recorded.

The Court (being satisfied, after hearing medical evidence, that it would be safe in the interests of the public to do so) has this day made an order that the defendant be detained in a hospital within the meaning of the Criminal Justice Act 1985 as a special (committed) patient under the Mental Health Act 1969.

NOW THEREFORE you, the said constables, are hereby directed to deliver the defendant to the Superintendent of the ..... hospital.

And you, the said Superintendent, are hereby directed to receive the defendant into your custody and to detain the defendant as a special (committed) patient in accordance with the Criminal Justice Act 1985 and the Mental Health Act 1969.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.



FIRST SCHEDULE—*continued*

## Form 15

ORDER FOR DETENTION OF PERSON ACQUITTED ON ACCOUNT OF INSANITY  
(Section 115, Criminal Justice Act 1985)

TO every constable, and to the Superintendent of the ..... hospital  
[Full name] of [Address], [Occupation] (in this order called the patient) was, on trial on indictment for ..... (or at the hearing before this Court of an information for .....), acquitted on account of the patient's insanity.

The Court (being satisfied, after hearing medical evidence, that it would be safe in the interests of the public to do so) has this day made an order that the patient be detained in a hospital within the meaning of the Criminal Justice Act 1985 as a special (committed) patient under the Mental Health Act 1969.

NOW THEREFORE you, the said constables, are hereby directed to deliver the patient to the Superintendent of the ..... hospital.

And you, the said Superintendent, are hereby directed to receive the patient into your custody and to detain the patient as a special (committed) patient in accordance with the Criminal Justice Act 1985 and the Mental Health Act 1969.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.

## Form 16

ORDER FOR PERSON'S DETENTION IN HOSPITAL FOLLOWING CONVICTION  
(Section 118, Criminal Justice Act 1985)

TO every constable, and to the Superintendent of the ..... hospital  
[Full name] of [Address], [Occupation] (in this order called the offender) was convicted in the ..... Court at ..... of .....

The Court, being satisfied by the production of a certificate by 2 medical practitioners that the offender was mentally disordered within the meaning of the Mental Health Act 1969, and that the offender's mental condition requires that the offender should be detained in a hospital in the offender's own interest (or for the safety of the public), this day made an order that the offender be detained in a hospital within the meaning of the Criminal Justice Act 1985 as a committed patient under the Mental Health Act 1969.

NOW THEREFORE you, the said constables, are hereby directed to deliver the offender to the Superintendent of the ..... hospital.

And you, the said Superintendent, are hereby directed to receive the offender into your custody and to detain the offender as a committed patient in accordance with the Criminal Justice Act 1985 and the Mental Health Act 1969.

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.

FIRST SCHEDULE—continued

Form 17

ORDER FOR PERSON'S COMMITTAL FOR PSYCHIATRIC EXAMINATION

(Section 121, Criminal Justice Act 1985)

TO every constable, and to the Superintendent of the ..... penal institution (or to the Superintendent of the ..... hospital)

[Full name] of [Address], [Occupation] (in this order called the defendant) is awaiting trial on (or awaiting the (preliminary) hearing of) (or being tried on) (or before the Court for the (preliminary) hearing of) a charge of ..... (or is awaiting sentence for .....) (or has appealed against conviction for .....).

The Court is satisfied that a psychiatric report would assist the Court in determining if the defendant is under disability (or if the defendant is insane within the meaning of section 23 of the Crimes Act 1961) (or the type and length of any sentence that might be imposed) (or the nature of any requirement it may impose as part of, or as a condition of, any sentence or order).

A psychiatrist (or where no such specialist is available) another medical practitioner has certified (or given evidence to the effect) that a (further) psychiatric report cannot practicably be prepared unless the defendant is in custody.

\*The Court is satisfied that remand to a penal institution would be inappropriate for the following reason(s):

.....  
.....  
.....

The defendant is not bailable as of right, and would not have been bailed even if no psychiatric report had been required.

The Court has this day made an order for the committal of the defendant to the ..... penal institution (or the ..... hospital) until the ..... day of ..... 19..... for the purposes of a psychiatric examination and report.

NOW THEREFORE you, the said constables, are hereby directed to deliver the defendant to the Superintendent of the ..... penal institution (or to the Superintendent of the ..... hospital).

And you, the said Superintendent, are hereby directed to receive the defendant into your custody and to detain the defendant for the purpose of a psychiatric examination and report. (Unless the defendant is sooner returned to Court, Penal, or Police custody,) you are also directed to have the defendant brought before the ..... Court at ..... on the said day of ..... 19..... at ..... a.m. (p.m.).

Dated at the ..... Court at ..... this ..... day of ..... 19.....

(Deputy) Registrar.

\*Delete if inapplicable.

FIRST SCHEDULE—*continued*

## Form 18

## ORDER FOR DETENTION IN PSYCHIATRIC HOSPITAL PENDING TRIAL

*(Section 121, Criminal Justice Act 1985)*

TO every constable, and to the Superintendent of the ..... hospital  
 [Full name] of [Address], [Occupation] (in this order called the defendant) is  
 charged with .....

On ..... day the ..... day of ..... 19..... the .....  
 Court at ..... made an order committing the defendant to the  
 ..... penal institution (*or* to the ..... hospital) for the purposes  
 of a psychiatric examination and report.

The defendant having been brought before this Court following that  
 report, this Court has this day ordered, with the consent of the defendant  
 and of the Superintendent of the ..... hospital, that the defendant  
 be detained in that hospital pending the hearing (*or* trial).

NOW THEREFORE you, the said constables, are hereby directed to deliver  
 the defendant to the Superintendent of the ..... hospital.

And you, the said Superintendent, are hereby directed to receive the  
 defendant into your custody and to detain the defendant pending the  
 hearing (*or* trial).

Dated at the ..... Court at ..... this ..... day of  
 ..... 19.....

(Deputy) Registrar.

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SECOND SCHEDULE  
REGULATIONS REVOKED

Reg. 11

Title	Statutory Regulations Serial Number
The Criminal Justice Regulations 1954 .. .. .	1954/239
The Criminal Justice Regulations 1954, Amendment No. 1 .. .. .	1963/92
The Criminal Justice Regulations 1954, Amendment No. 2 .. .. .	1970/44
The Criminal Justice Regulations 1954, Amendment No. 3 .. .. .	1972/211
The Criminal Justice (Confiscation of Motor Vehicles) Regulations 1977 .. .. .	1977/176
The Criminal Justice Regulations 1954, Amendment No. 4 .. .. .	1981/4
The Criminal Justice Regulations 1954, Amendment No. 5 .. .. .	1981/77

P. G. MILLEN,  
Clerk of the Executive Council.

EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

The principal purpose of these regulations is to prescribe the forms to be used for the various purposes of the Criminal Justice Act 1985.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 19 September 1985.

These regulations are administered in the Department of Justice.