



**THE CRIMINAL JUSTICE REGULATIONS 1985,  
AMENDMENT NO. 4**

---

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of August 1993

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

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

---

REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Criminal Justice Regulations 1985, Amendment No. 4, and shall be read together with and deemed part of the Criminal Justice Regulations 1985\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of September 1993.

**2. New regulations substituted**—The principal regulations are hereby amended by revoking regulation 5, and substituting the following regulations:

\*S.R. 1985/252  
Amendment No. 1: S.R. 1987/212  
Amendment No. 2: S.R. 1987/309  
Amendment No. 3: S.R. 1989/362

**“5. Orders for periodic detention—**(1) Subject to subclause (2) of this regulation, a copy of every order for a sentence of periodic detention shall be sent to the Warden of the periodic detention centre specified in the order.

“(2) Where an offender is subject to a sentence of periodic detention that is cumulative on a sentence of imprisonment for a term of 12 months or less, a copy of the order for the sentence of periodic detention shall be sent to the Superintendent of the penal institution in which the offender is serving or is to serve the sentence of imprisonment.

“(3) Where, pursuant to section 59 (2) of the Act, the Superintendent gives the Manager Community Corrections in the district in which the offender is to reside upon release notice of the release of the offender, the Superintendent shall also forward to the Manager the copy of the order received under subclause (2) of this regulation.

“(4) Where, pursuant to section 40 (2) (c) (i) of the Act,—

“(a) An offender who is subject to a sentence of periodic detention that is cumulative on a sentence of imprisonment reports to a probation officer for the district in which the offender is to reside; and

“(b) That officer directs the offender to report to a periodic detention centre in that district,—

the copy of the order received from the Superintendent in accordance with subclause (3) of this regulation shall be forwarded to the Warden of the centre.

**“5A. Orders for other community-based sentences cumulative on sentences of imprisonment—**(1) Where an offender is subject to a community-based sentence, other than a sentence of periodic detention, that is cumulative on a sentence of imprisonment for a term of 12 months or less, a copy of the order for the sentence shall be sent to the Superintendent of the penal institution in which the offender is serving or is to serve the sentence of imprisonment.

“(2) Where, pursuant to section 59 (2) of the Act, the Superintendent gives the Manager Community Corrections in the district in which the offender is to reside upon release notice of the release of the offender, the Superintendent shall also forward to the Manager the copy of the order received under subclause (1) of this regulation.”

**3. Application of regulations 7, 8A, 8B, 8C, and 10—**

(1) Regulation 6 (1) of the principal regulations is hereby amended by omitting the expression “8,”, and substituting the expression “8A, 8B, 8C,”.

(2) Regulation 6 (1) (b) of the principal regulations is hereby amended by adding the words “determined in the manner provided in section 92 of the Act”.

**4. New regulations substituted—**(1) The principal regulations are hereby amended by revoking regulations 7 and 8, and substituting the following regulations:

**“7. Inmates to be informed of entitlement to release—**(1) Every inmate who is subject to a determinate sentence of imprisonment or to a sentence of 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 proportion of the sentence that the inmate is or can be required to serve in accordance with section 90 of the Act before being released pursuant to that section:

“(b) The circumstances in which release under section 90 of the Act 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 the entitlement of the inmate to release pursuant to section 90 of the Act.

“(2) The officer handing the written information to the inmate shall satisfy himself or herself that the inmate understands it.

“8. **Period spent on remand to be taken as time served**—(1) On receiving a warrant of commitment for any sentenced offender, the Superintendent of a penal institution shall cause—

“(a) The period spent on remand (if any) to be determined and entered on the warrant of commitment in accordance with section 81 (3) of the Act; and

“(b) A copy of the completed warrant to be given to the offender in accordance with section 81 (4) of the Act—  
as soon as practicable after the offender has been received into the institution pursuant to the warrant.

“(2) The offender shall be given, together with the copy of the warrant, a written notice setting out the offender’s right to apply to the Superintendent for a review of the determination made under section 81 (3) of the Act.

“(3) Where the Superintendent reviews the determination in accordance with section 81 (5) of the Act, the Superintendent shall notify the offender in writing of the result of the review and of the offender’s right, if dissatisfied, to apply to a court for review pursuant to section 81 (6) of the Act.

“8A. **Determination of inmates’ final release dates**—(1) For the purpose of determining under section 91 of the Act the final release date of an inmate who is subject to a determinate sentence of imprisonment 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 inmate’s final release date, which date shall be as follows:

“(a) In the case of an inmate who is subject to a sentence of imprisonment for a term of 12 months or less, the first day after the expiry of one-half 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 a sentence of imprisonment for a term of more than 12 months, 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:

“(c) 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) or paragraph (b) of this subclause:

“(d) 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) or paragraph (c) of this subclause, the day after the date on which the order will expire.

“(3) In determining any inmate’s final release date under subclause (2) of this regulation, the Secretary shall take into account the total period (if any) specified on the warrant of commitment in accordance with section 81 (3) of the Act or determined under subsection (5) or subsection (6) of that section, as the case may be.

“(4) 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 final release date for that inmate is endorsed on the file relating to the inmate.

“8B. **Notification of final release date**—(1) As soon as practicable after the final release date has been determined in accordance with regulation 8A of these regulations, the inmate shall be informed of that date.

“(2) Thereafter the inmate shall be informed, on request, of his or her final release date—

“(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.

“(3) Without limiting subclause (2) of this regulation, whenever the date fixed as the final release date for an inmate is changed for any reason, the inmate shall be informed as soon as practicable of the change and the reasons for it.

“8c. **Release of inmates**—(1) Subject to subclauses (2) and (3) of this regulation, any inmate who is detained in a penal institution or is otherwise in penal custody on the date fixed as the final release date for that inmate or on such earlier date for release calculated in relation to that date in accordance with section 93 of the Act, shall be released on that date.

“(2) No inmate shall be released pursuant to subclause (1) of this regulation if, on the date in question, the inmate is subject to any order for detention.

“(3) Any date fixed as the final release date for an inmate, or any earlier date calculated in relation to that date in accordance with section 93 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.”

(2) The Criminal Justice Regulations 1985, Amendment No. 3 (S.R. 1989/362) are hereby consequentially revoked.

**5. Forms amended**—(1) The First Schedule to the principal regulations is hereby amended by inserting, after form 2, the forms 2A, 2B, and 2C set out in the Schedule to these regulations.

(2) The First Schedule to the principal regulations is hereby amended by revoking forms 4, 5, 6, 7, 9, 10, and 11, and substituting the forms 4, 5, 6, 7, 9, 10, and 11 set out in the Schedule to these regulations.

(3) The First Schedule to the principal regulations is hereby amended by inserting, after form 11, the forms 11A and 11B set out in the Schedule to these regulations.

(4) The First Schedule to the principal regulations is hereby amended by revoking the form 13, and substituting the forms 13, 13A, 13B, and 13C set out in the Schedule to these regulations.



Reg. 5

**SCHEDULE**

**NEW FORMS PRESCRIBED**

**Form 2A**

**ORDER FOR SUSPENDED SENTENCE OF IMPRISONMENT**

*(Section 21A 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 a term of imprisonment of ..... for ..... [Offence]

The Court has made an order suspending the sentence for a period of ..... commencing on .....

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

(Deputy) Registrar

**NOTICE**

**IF YOU ARE CONVICTED OF ANOTHER OFFENCE WHILE THIS SENTENCE IS SUSPENDED YOU ARE LIABLE TO SERVE THIS SENTENCE IN ADDITION TO ANY OTHER SENTENCE THAT MAY BE IMPOSED FOR THE LATER OFFENCE.**

Section 21A (4) of the Criminal Justice Act 1985 provides that where an offender who is subject to a suspended sentence of imprisonment is convicted of another offence punishable by imprisonment the court **shall** order that the suspended sentence take effect for the period specified in the order **unless** it would be unjust to do so in view of all the circumstances which have arisen since the suspended sentence was imposed, including the circumstances of any further offending.



SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

Form 2B

SUMMONS TO OFFENDER SUBJECT TO A SUSPENDED SENTENCE OF  
IMPRISONMENT

(Section 21A (8), Criminal Justice Act 1985)

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

On the ..... day of ..... 19..... you were convicted of ..... [Offence]

You were sentenced for that offence to imprisonment for a term of ..... but the Court made an order suspending the sentence of imprisonment for a period of ..... commencing on ..... (in this summons called the suspended sentence).

On the ..... day of ..... 19..... you were convicted of ....., an offence punishable by imprisonment (in this summons called the subsequent offence) and sentenced to .....

On the ..... day of ..... 19.... an application was made for an order that the suspended sentence take effect for the period specified in the order on the ground that the Court sentencing you for the subsequent offence does not appear to have taken into account the existence of the suspended sentence.

You are summoned to appear on the ..... day of ..... 19.... at .... am/pm in the ..... Court at ..... to show cause why the suspended sentence should not take effect.

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

(Deputy) Registrar

—

SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

Form 2c

WARRANT TO ARREST OFFENDER SUBJECT TO A SUSPENDED SENTENCE OF  
IMPRISONMENT

(Section 21A (8), 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 .....  
and sentenced to imprisonment for a term of ..... but the  
Court made an order suspending the sentence of imprisonment for a  
period of ..... commencing on ..... (in this  
warrant called the suspended sentence).

On the ..... day of ..... 19... the offender was  
convicted of ....., an offence punishable by  
imprisonment (in this warrant called the subsequent offence), and  
sentenced to .....

On the ..... day of ..... 19... an application was made  
for an order that the suspended sentence take effect for the period  
specified in the order on the ground that the Court sentencing the offender  
for the subsequent offence does not appear to have taken into account the  
existence of the suspended sentence.

\* 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 suspended  
sentence should not take effect, 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 suspended sentence  
should not take effect.

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

Judge

\* Delete if inapplicable.



SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

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.

\* The Court directed that this sentence of community service be  
cumulative on the sentence of imprisonment for a term of .....  
which was imposed \*this day/by the ..... Court at .....  
on the ..... day of ..... 19.... for .....  
[Offence]

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

(Deputy) Registrar

\* Delete if inapplicable.

**NOTICE**

**YOU ARE REQUIRED TO REPORT—**

(a) To the Supervising Officer within 72 hours after the Court has  
sentenced you to community service;

**OR**

(b) If your sentence is cumulative on a sentence of imprisonment to a  
probation officer for the district in which you are to reside not less than  
72 hours after your release from prison.

—



SCHEDULE—*continued*NEW FORMS PRESCRIBED—*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 directed that this sentence of periodic detention be cumulative on the sentence of imprisonment for a term of ..... which was imposed \*this day/by the ..... Court at ..... on the ..... day of ..... 19.... for ..... [Offence]

The Court has ordered as follows:

\*1. That you shall report at the ..... Periodic Detention Centre at ..... am(pm) on the ..... day of ..... 19....

OR

\*1. That you shall report—

(a) To a probation officer for the district in which you are to live within 72 hours of your release from prison; and

(b) To a periodic detention centre in that district in accordance with the probation officer's directions.

2. That thereafter you shall report at that periodic detention 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 to 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 if inapplicable.

† Section 40 (3) of the Criminal Justice Act 1985 provides that no period of custody shall be longer than 10 hours, and the aggregate in any week shall not exceed 18 hours.

SCHEDULE—*continued*

NEW FORMS PRESCRIBED—*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.

\* The Court directed that this sentence of supervision be cumulative on the  
sentence of imprisonment for a term of ..... which was  
imposed \*this day/by the ..... Court at ..... on  
the ..... day of ..... 19.... for .....  
[Offence]

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

\*Delete if inapplicable.

—————  
[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) The offender shall report in person as follows:
  - (i) In any case where the sentence is cumulative on a sentence of imprisonment, the offender shall, as soon as practicable and not later than 72 hours after release from the penal institution, report to a probation officer for the district in which the offender is to reside:
  - (ii) In any other case, the offender shall report to the probation officer for the district in which the court office is situated as soon as practicable and not later than 72 hours after the sentence is imposed:

SCHEDULE—*continued*NEW FORMS PRESCRIBED—*continued*Form 6—*continued*

- (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 moves 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.
-

SCHEDULE—*continued*

NEW FORMS PRESCRIBED—*continued*

Form 7

ORDER FOR SENTENCE OF A COMMUNITY PROGRAMME

(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 a community programme for ..... months for  
..... , being an offence punishable by imprisonment.

\*The Court directed that this sentence of a community programme be  
cumulative on the sentence of imprisonment for a term of .....  
which was imposed \*this day/ by the ..... Court at  
..... on the ..... day of ..... 19.... for  
..... [Offence]

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

\*Delete if inapplicable.

NOTICE

If your sentence of a community programme is cumulative on a sentence  
of imprisonment **you must report** to a probation officer for the district in  
which you are to live not less than 72 hours after your release from prison.

—

SCHEDULE—continued

NEW FORMS PRESCRIBED—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 if inapplicable.

**Period spent on remand**

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 Corrective Training Institution at ..... this ..... day of ..... 19....

(for) Superintendent

—

SCHEDULE—*continued*

NEW FORMS PRESCRIBED—*continued*

Form 10

WARRANT OF COMMITMENT FOR IMPRISONMENT

(Section 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  
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.

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

Judge

\*Delete if inapplicable.

**Period spent on remand**

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 prison at ..... this .....  
day of ..... 19.....

(for) Superintendent



SCHEDULE—continued

NEW FORMS PRESCRIBED—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.

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

Judge

\*Delete if inapplicable.

**Period spent on remand**

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 prison at ..... this ..... day of ..... 19....

(for) Superintendent

\_\_\_\_\_

SCHEDULE—*continued*

NEW FORMS PRESCRIBED—*continued*

Form 11A

ORDER FOR MINIMUM PERIOD OF IMPRISONMENT

(Section 80, Criminal Justice Act 1985)

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

- \*imprisonment for a term of .....
- \*imprisonment for life; or
- \*preventive detention.

I am satisfied that the circumstances of the offence are so exceptional that a minimum period of imprisonment of—

- \* (a) In the case of a determinate sentence, a period that is longer than the period otherwise applicable under section 89 or section 90, as the case may be; or
- \* (b) In the case of an indeterminate sentence, more than 10 years,— is justified for the following reasons:

[Set out reasons (on attachment if necessary)]

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

IT IS HEREBY ORDERED pursuant to section 80 of the Criminal Justice Act 1985 that the offender serve a minimum period of imprisonment of ..... years ..... months.

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

Judge

\*Delete if inapplicable.

\_\_\_\_\_



SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

Form 11B

RELEASE ON LICENCE

(Section 107F, Criminal Justice Act 1985)

TO [Full name]

You were on the ..... day of ..... 19.... convicted of ..... [Offence] by the ..... Court at ..... and sentenced to \*corrective training, \*imprisonment for a term of ....., \*imprisonment for life, \*preventive detention.

**CONDITIONS OF RELEASE**

You are this day released from the \*corrective training institution/prison at ..... on the following conditions:

**\*Standard Conditions**

You are subject to the following conditions from ..... until ..... [State duration of conditions]:

- (a) You shall report in person to the probation officer for the district in which you are to reside as soon as practicable and not later than 72 hours after release:
- (b) You shall report to the probation officer under whose supervision you are as and when required to do so by the probation officer, and shall notify the officer of your residential address and the nature and place of your employment when requested to do so:
- (c) You shall obtain the consent of the probation officer before moving from your residential address; and, if you move to any place within the district of another probation officer, you shall, within 72 hours after arriving in that district, notify that other probation officer of your address, and the nature and place of your employment:
- (d) You shall not reside at any address at which the probation officer has directed you not to reside:
- (e) You shall not engage, or continue to engage, in any employment or occupation in which the probation officer has directed you not to engage or continue to engage:
- (f) You shall not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, directed you not to associate.

**\*Special Conditions**

You are subject to the following special conditions from ..... until ..... [State duration of conditions]

[Specify nature of conditions]

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

SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

Form 11B—continued

**\*Residential Conditions**

You are subject to residential conditions (\*habilitation centre/home detention) from ..... until ..... [State duration of conditions]

**\*Habilitation Centre**

- (a) You shall reside in the ..... habilitation centre, unless authorised by the habilitation centre manager to be released on leave for a period not exceeding 3 days:
- (b) You shall comply with the programme designed for you:
- (c) You shall comply with the rules of the habilitation centre and any lawful order given by habilitation centre personnel:
- (d) You shall co-operate with, and comply with any lawful direction given by, the probation officer assigned to you:
- (e) You shall keep this licence in your possession and, if requested to do so by a member of the Police, or by a probation officer shall produce it for inspection.

**\*Home Detention**

- (a) You shall not at any time leave ..... [Place where home detention is to be served] except—
  - (i) To seek or engage in employment approved by a probation officer; or
  - (ii) To seek urgent medical or dental treatment; or
  - (iii) To avoid or minimise a serious risk of death or injury to yourself or any other person; or
  - (iv) To attend training or other rehabilitative activity programmes approved by a probation officer; or
  - (v) For such other purpose as a probation officer may from time to time approve:
- (b) You shall cooperate with, and comply with any lawful direction given by, the probation officer assigned to you:
- (c) You shall keep this licence in your possession and, if requested to do so by a member of the Police, or by a probation officer, shall produce it for inspection.

**RECALL TO PRISON**

You are liable to be recalled to prison to continue serving your sentence until ..... [State period that liable to recall] IF—

- (a) You breach the conditions of release; or
- (b) You commit an offence; or
- (c) Because of your conduct, or a change in circumstances since release, further offending is likely; or
- \* (d) While subject to residential conditions, you jeopardise the safety of any person in the habilitation centre or in the residence where you are serving home detention; or

SCHEDULE—*continued*NEW FORMS PRESCRIBED—*continued*Form 11B—*continued*

- \*(e) If released to an habilitation centre, you jeopardise the order or security of the habilitation centre.

Dated at the \*corrective training institution/prison at .....  
this ..... day of ..... 19....

(for) Superintendent

\*Delete if inapplicable.

---

 Form 13

 APPLICATION FOR RECALL OF OFFENDER  
 (Section 107I, Criminal Justice Act 1985)

TO \*Parole/..... District Prisons Board

I [Full name] of [Address]

\*Secretary for Justice/Probation Officer

apply for an order that [Full name] of [Address], [Occupation] (in this application called the offender) who was on the ..... day of ..... 19... released from the prison at ..... in respect of a sentence of ..... [Term] for ..... [Offence] be recalled to a penal institution to continue serving that sentence.

This application is made on the following grounds:

- \*(a) The offender has breached the conditions of his or her release:
- \*(b) The offender has committed an offence:
- \*(c) Because of the offender's conduct, or a change in circumstances since release, further offending is likely:
- \*(d) In the case of an offender subject to residential conditions, the offender is jeopardising the safety of any person in the habilitation centre or in the residence where the offender is serving home detention:
- \*(e) In the case of an offender released to an habilitation centre, the offender is jeopardising the order or security of the habilitation centre.

[Set out sufficient information to inform the Board of the facts relied on in support of the application]

\*I apply for an interim order for recall of the offender to be made on the grounds that—

- \*(a) The application for recall is made under section 107I (6) (d) or (e) of the Criminal Justice Act 1985:
- \*(b) The offender is subject to a sentence for a serious violent offence:
- \*(c) The offender was subject before release to an order made under section 105 of the Act in respect of the sentence to which he or she is subject:

SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

Form 13—continued

- \*(d) There are reasonable grounds to believe—
  - (i) The offender poses an immediate risk to the safety of the public or of any person or any class of persons; or
  - (ii) The offender is likely to abscond before the determination of the application for recall.

[Set out sufficient information to inform the Board of the facts relied on in support of the application]

Dated at ..... this ..... day of ..... 19....

Applicant

\*Delete if inapplicable.

Form 13A

NOTICE TO OFFENDER

WHERE APPLICATION FOR RECALL MADE

(Sections 107J (4) and 107K, Criminal Justice Act 1985)

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

On the ..... day of ..... 19.... an application was made to \*Parole/..... District Prisons Board for an order that you be recalled to a penal institution to continue serving the sentence of ..... [Term] for ..... [Offence].

\*The Chairperson of the Board made an interim order for your recall on the ..... day of ..... 19....

The application for recall is to be determined by the Board on the ..... day of ..... 19.... at ..... am/pm at .....

You are entitled to be heard and to state your case in person or by counsel.

If you wish to make written submissions or to appear in person or be represented by counsel you must notify the Board not later than 7 days before the date on which the application is to be determined.

If you do not wish to appear in person the Board may determine the application in your absence. You will then be notified of the result of the application.

You may be eligible for criminal legal aid for the recall proceedings. An application form can be obtained from the nearest District Court.

(for) \*Parole/..... District Prisons Board

\*Delete if inapplicable.

SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

Form 13b

WARRANT FOR RETURN TO PRISON OF RELEASED OFFENDER FOLLOWING  
INTERIM ORDER FOR RECALL

(Section 107J, 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 from the prison  
at ..... in respect of a sentence of .....  
[Term] for ..... [Offence].

On the ..... day of ..... 19... an application was made  
for an order that the offender be recalled to a penal institution to continue  
serving the sentence.

I have this day made an interim order for the recall of the offender  
pursuant to section 107J of the Criminal Justice Act 1985 on the grounds  
that—

- \*(a) The application for recall is made under section 107I (6) (d) or (e) of the Criminal Justice Act 1985:
- \*(b) The offender is subject to a sentence for a serious violent offence:
- \*(c) The offender was subject before release to an order made under section 105 of the Act in respect of the sentence to which he or she is subject:
- \*(d) I believe on reasonable grounds that—
  - (i) The offender poses an immediate risk to the safety of the public or of any person or any class of persons; or
  - (ii) The offender is likely to abscond before the determination of the application for recall.

NOW THEREFORE you, the said constables, are hereby directed to  
\*deliver/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 pending the  
determination of the application for recall.

Dated at ..... this ..... day of ..... 19....

Chairperson of the \*Parole/  
..... District Prisons Board

\*Delete if inapplicable.



SCHEDULE—continued

NEW FORMS PRESCRIBED—continued

Form 13c

WARRANT FOR RETURN TO PRISON OF RELEASED OFFENDER FOLLOWING  
ORDER FOR RECALL

(Section 107L, 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 from the prison  
at ..... in respect of a sentence of .....  
[Term] for ..... [Offence].

On the ..... day of ..... 19.... an application was made  
for an order that the offender be recalled to a penal institution to continue  
serving the sentence.

The \*Parole/..... District Prisons Board has this day made  
an order for the recall of the offender pursuant to section 107L of the  
Criminal Justice Act 1985 on the grounds that—

- \*(a) The offender has breached the conditions of his or her release:
- \*(b) The offender has committed an offence:
- \*(c) Because of the offender's conduct, or a change in circumstances  
since release, further offending is likely:
- \*(d) In the case of an offender subject to residential conditions, the  
offender is jeopardising the safety of any person in the habilitation  
centre or in the residence where the offender is serving home detention:
- \*(e) In the case of an offender released to an habilitation centre, the  
offender is jeopardising the order or security of the habilitation centre.

NOW THEREFORE you, the said constables, are hereby directed to  
\*deliver/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 for the purposes of  
the sentence.

Dated at ..... this ..... day of ..... 19....

\*Parole/..... District Prisons Board

\*Delete if inapplicable.

MARIE SHROFF,  
Clerk of the Executive Council.



## EXPLANATORY NOTE

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

These regulations, which come into force on 1 September 1993, amend the forms set out in the First Schedule to the Criminal Justice Regulations 1985 and amend certain other provisions of those regulations. The changes are consequential upon the passing of the Criminal Justice Amendment Act 1993.

---

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 5 August 1993.

These regulations are administered in the Department of Justice.