



Reprint of the Reformative Detention Review Rules 1935, published in the Gazette on the 19th day of September 1935 at page 2661.

**THE REFORMATIVE DETENTION REVIEW RULES 1935
(REPRINT)**

GALWAY, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington, this 16th day of September 1935
Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 5 of the Crimes Amendment Act 1910 and every other power him enabling, His Excellency the Governor-General, acting with the advice and consent of the Executive Council and with the concurrence therein of the Right Honourable the Chief Justice and four of the other members of the Rules Committee constituted under the Judicature Amendment Act 1930 (two of such other members being Judges of the Supreme Court), doth hereby make the following rules.

R U L E S

1. These rules may be cited as the Reformative Detention Review Rules 1935.
2. These rules shall come into force on the day following the date of publication hereof in the *Gazette*.*
3. Every application under section 5 of the Crimes Amendment Act 1910 shall be made in writing, signed by the person sentenced, and forwarded by the Controlling Officer of a prison who for the time being has the custody of such person to a Registrar of the Court in the Supreme Court district in which the sentence was imposed.
4. Every such application shall be placed by the Registrar before the Judge or one of the Judges (if more than one) ordinarily presiding in such district.
5. The Registrar shall forthwith procure and lay before the Judge—
 - (i) The conviction drawn up by the Magistrate or an attested copy thereof;
 - (ii) A copy of the Magistrate's notes of evidence (if any);
 - (iii) The depositions (if any) taken upon the hearing before the Magistrate;
 - (iv) A report from the Probation Officer;
 - (v) A list of all previous convictions of the person sentenced;
 - (vi) Any other relevant information that may be available.

* See end note.

6. If upon reading the application and other documents the Judge shall be of opinion that the sentence was excessive he may forthwith without calling upon the person sentenced or his counsel order that the sentence of reformative detention be set aside or that the period of reformative detention be reduced.

7. If the Judge is not in the first instance of opinion that the sentence was excessive he shall give counsel (if the person sentenced is represented by counsel) the opportunity of being heard in support of the application.

8. If the person sentenced is not represented by counsel the Judge shall give him an opportunity of placing before the Judge in writing his case in support of his application.

C. A. JEFFERY,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act 1936.
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These rules are administered in the Department of Justice.