

**Reprint
as at 12 May 2011**



**Criminal Justice (Designation of
Class of Offenders) Notice 1997**

(SR 1997/136)

Criminal Justice (Designation of Class of Offenders) Notice 1997: revoked, on 12 May 2011, by clause 3 of the Regulatory Reform (Revocations) Order 2011 (SR 2011/99).

Pursuant to section 97(6) of the Criminal Justice Act 1985, the Minister of Justice gives the following notice.

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Notice

- 1 Title and commencement**
- (1) This notice may be cited as the Criminal Justice (Designation of Class of Offenders) Notice 1997.
 - (2) This notice comes into force on 1 August 1997.

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This notice is administered by the Ministry of Justice.

**2 Designation of class of offenders to be considered by
Parole Board**

- (1) This notice applies to every offender who,—
- (a) during the period commencing on 1 August 1987 and ending with the close of 31 August 1993,—
 - (i) was sentenced to 1 or more indeterminate sentences; or
 - (ii) received a sentence, and—
 - (A) has since received, in substitution for that sentence, an indeterminate sentence; or
 - (B) has since been subject to a retrial and, as a result of that retrial, has received an indeterminate sentence; and
 - (b) was, at any stage of the proceedings leading to his or her conviction, or pending his or her sentencing, held on remand in a penal institution (other than a Police jail) established under the Penal Institutions Act 1954; and
 - (c) would, on or after the date of commencement of this notice, become eligible for parole under section 89(1) of the Criminal Justice Act 1985 on an earlier date (which date is earlier than would apply if this notice had not been given) if the time he or she spent on remand in a penal institution were to be treated under section 81(7) of that Act as time served.
- (2) Offenders to whom this notice applies are designated as a class of offenders for the purposes of section 97(6) of the Criminal Justice Act 1985.

Dated at Wellington this 15th day of July 1997.

John Luxton,
for Minister of Justice.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on 1 August 1997, designates a class of offenders who must be considered for parole.

The designated class covers offenders who spent time in custody while on remand and were, during the period 1 August 1987 to 31 August 1993, sentenced to life imprisonment or preventive detention. During that period, section 81 of the Criminal Justice Act 1985 (as substituted by section 8 of the Criminal Justice Amendment Act (No 3) 1987) provided that time spent in custody while on remand had to be taken into account by the sentencing Judge in fixing the term of the sentence. In the case of persons sentenced to life imprisonment or preventive detention, no credit could be given for time spent in custody while on remand because a fixed-term sentence was not imposed. In its original form, however, section 81 provided for such time to be taken into account for the purposes of determining parole eligibility dates. The effect of that provision was reinstated by the present section 81 (as substituted by section 40 of the Criminal Justice Amendment Act 1993) which came into force on 1 September 1993.

The notice also applies to offenders who received a substituted indeterminate sentence or were subject to a retrial and as a result received an indeterminate sentence, but were, by virtue of section 40(2) of the Criminal Justice Amendment Act 1993, subject to the version of section 81 that applied during the period 1 August 1987 to 31 August 1993.

The effect of this notice is to require the Parole Board to consider for parole offenders who belong to the class specified in *clause 2(1)* and to put them in the same position as offenders sentenced to an indeterminate sentence on or after 1 September 1993.

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Notes**1 General**

This is a reprint of the Criminal Justice (Designation of Class of Offenders) Notice 1997. The reprint incorporates all the amendments to the notice as at 12 May 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Regulatory Reform (Revocations) Order 2011 (SR 2011/99): clause 3
