



### ANALYSIS

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1967, No. 7

An Act to provide for a system of probation and parole and to provide new methods for dealing with offenders liable to imprisonment

BE IT ENACTED by the Legislative Assembly of the Cook Islands in Session assembled, and by the authority of the same, as follows:

**1. Short Title -** This Act may be cited as the Criminal Justice Act 1967.

**2. Interpretation -** (1) In this Act, unless the context otherwise requires, -

"Minister" means the Minister of Justice:  
"Probationer" means any person for the time being under the supervision of a probation officer

under or by virtue of this Act:

"Probation officer" means a probation officer appointed under Part I of this Act.

(2) This Act shall apply to offences committed before or after the commencement of this Act.

#### PART I - PROBATION

**3. Probation officers -** (1) There may from time to time be appointed under the Public Service Act 1965 such probation officers as are required for the purposes of this Act.

(2) Notwithstanding anything in subsection (1) of this section, the Minister may from time to time appoint any person, or the holder for the time being of any office or appointment, as a probation officer in a part-time capacity for the purposes of this Act. No person appointed under this subsection shall by virtue of that appointment become an officer or employee of the Public Service, and nothing in the Public Service Act 1965 shall apply with respect to that appointment. Any probation officer appointed under this subsection may be paid out of money appropriated by the Legislative Assembly for the purpose such remuneration by way of salary or fees, and such allowances, as may be determined by the Minister with the concurrence of the Minister of Finance.

**4. Powers and duties of probation officers -** (1) A probation officer may, and shall when so required by the High Court, report to the High Court on the character and personal history of any person convicted of any offence punishable by imprisonment, with a view to assisting the Court in determining the most suitable method of dealing with his case; and may in any such report advise the Court whether the offender would be likely to respond satisfactorily to probation and whether any condition of probation should be imposed.

(2) It shall be the duty of every probation officer -  
(a) To supervise all persons placed under his supervision, with a view to assisting their social rehabilitation and preventing the commission of further offences;  
(b) To perform such other duties as may be prescribed by or under this Act or any other enactment.

(3) Any probation officer may commence or appear in any proceedings in the High Court on behalf of any other probation officer.  
(4) In the exercise of his powers and duties, every probation officer shall have the powers, protection, and privileges of a constable.

**5. Report of probation officer to be shown or given to offender -** (1) Where, under any provision of this Act or of any other enactment, a written report is made to the High Court by a probation officer, a copy of the report shall be given, to the solicitor, counsel, or agent appearing for the offender, or, if the offender is not represented by a solicitor, counsel, or agent, to the offender.  
(2) The offender or his solicitor, counsel, or agent may tender evidence on any matter referred to in any report, whether written or oral, that is made to the High Court by the probation officer.

(3) Failure to show or give a copy of any report in accordance with this section shall not affect the validity of the proceedings in the High Court or of any order made or sentence passed by the High Court.

6. Power of High Court to impose probation - (1) Where any person is convicted of any offence punishable by imprisonment the High Court may, in its discretion, instead of sentencing him to imprisonment, release him on probation for a period specified by the High Court, being a period of not less than one year nor more than three years:

Provided that nothing in this Act shall affect the power conferred on the High Court by any enactment other than this Act to release any offender on probation for any period referred to in that enactment and on any conditions therein referred to.

(2) Where the High Court releases any person on probation under this section, it may also sentence that person to pay any fine authorised by law.

(3) Where the High Court sentences any person to imprisonment for less than one year it may in its discretion order, as part of the sentence, that on his release from imprisonment he shall be on probation for any period, not exceeding one year, specified by the High Court, and may impose any condition of probation under section 8 of this Act. In any such case that person shall, on his release from imprisonment, be deemed to be an offender released on probation under Part II of this Act, and any conditions imposed under this subsection shall be deemed to be special conditions imposed under that Part, and the provisions of that Part shall apply accordingly.

(4) For the purpose of any appeal or application for leave to appeal, a release on probation under this section shall be deemed to be a sentence or, where a fine is imposed, to be part of the sentence.

(5) Where any person is released on probation under subsection (1) of this section the Registrar of the High Court shall notify the Secretary for Justice.

(6) Every probationer shall be under the supervision of a probation officer in whose district he resides for the time being, or of such other probation officer as the Secretary for Justice may from time to time direct.

(7) Where any person is released on probation, the Probation Officer shall issue to him a probationary licence setting out the conditions subject to which he has been released.

7. Conditions of release - Where any person is released on probation, the following conditions shall apply:

- (a) Within twenty-four hours after his release on probation, he shall report in person to the probation officer under whose supervision he has been placed, and shall further report as and when he is required to do so by the probation officer:
- (b) He shall give to the probation officer reasonable notice of his intention to move from his address; and if he moves to any place within the district of another probation officer he shall, within forty-eight hours after his arrival in that district, notify that other probation officer of his arrival, his address, and the nature and place of his employment;
  - (c) He shall not reside at an address that is not approved by the probation officer;
  - (d) He shall not continue in any employment, or continue to engage in any occupation, that is not approved by the probation officer;
  - (e) He shall not associate with any specified person, or with persons of any specified class, with whom the probation officer has, in writing, warned him not to associate;
  - (f) He shall be of good behaviour and commit no offence against the law.

**8. Power of High Court to impose additional conditions -**  
 (1) The High Court releasing any person on probation may in its discretion impose all or any of the following additional conditions, namely:

- (a) That he shall, within such period as may be directed by the probation officer, return to his island of origin or such other island as the High Court may direct, and remain on that island for such period of the term of his probation as shall be directed by the probation officer:
  - (b) That he shall, within such period and by such instalments as may from time to time be directed by the probation officer, pay the whole or such portion as the High Court may direct of the costs of the prosecution in relation to the offence for which he is released on probation and any other offence of which he may be convicted or for which he may be brought up for sentence at the same time:
  - (c) That he shall, within such period and by such instalments as may from time to time be directed by the probation officer, pay, by way of damages for injury or compensation for loss suffered by any person through or by means of any such offence as aforesaid, such sum as the High Court may direct or as may be fixed by the probation officer under the direction of the High Court, not exceeding in any case a sum specified by the High Court:
  - (d) That he shall apply for a prohibition order and keep it renewed during the term of probation:
  - (e) That he shall abstain from the use of intoxicating liquor or drugs:
  - (f) That he shall not, either alone or jointly with any other person, own or have in his possession any specified article, or articles of any specified class:
  - (g) That he shall not associate with any specified person or with persons of any specified class:
  - (h) That he shall undergo any specified course of education or training:
  - (i) Such conditions relating to his place of residence, employment, or earnings, as the High Court thinks fit:
  - (j) Such other conditions as the High Court thinks necessary for ensuring his good conduct or for preventing the commission by him of any offence.
- (2) Where under this section a direction for the payment of damages or compensation any sum remains owing to any person under that direction that person may at any time within twelve months thereafter obtain from the Registrar of the High Court a certificate of the direction and of the sum so owing. When any such certificate is filed in the High Court it may be enforced as if it were a judgement of that Court.
- (3) No civil remedy for any act or omission shall be suspended by the imposition of a condition for the payment of any damages or compensation.
- 9. Variation of conditions and discharge from probation -**
- (1) Subject to the provisions of subsection (5) of this section, any probationer under this Part of this Act may, -

- (a) At any time, apply to the High Court for the remission, suspension, or variation of any condition imposed by the High Court, whether on his release or under this section:
  - (b) At any time after the expiration of half the term of his probation, apply to the High Court for his discharge from probation:
- (2) Subject as aforesaid, any probation officer may at any time apply to the High Court -
- (a) For the remission, suspension, or variation of any condition imposed by the High Court on any such probationer, whether on his release or under this section:
  - (b) For the discharge of any such probationer from probation:
  - (c) For the imposition of any additional condition in respect of any such probationer:
  - (d) For an extension of the term of probation of any such probationer where that term is less than three years.
- (3) On any application under this section, the High Court, in its discretion, having regard to any change of circumstances since the offender was released on probation, may make an order remitting, suspending, or varying any condition, or imposing any additional condition, or extending the term of probation, or doing any two or more of those things, or discharging the probationer:

Provided that the High Court shall not extend the term of probation beyond the end of three years from the date on which that term began.

- (4) Where the High Court makes an order for the discharge of any probationer, the term of his probation shall expire on such date as may be specified in that behalf in the order of discharge.
- (5) Every application under this section shall be made -
- (a) Where it relates to a person released on probation by a Judge of the High Court, or the Supreme Court of New Zealand on appeal from the High Court, to a Judge of the High Court:

- (b) Where it relates to a person released on probation by a Commissioner of the High Court, or by a Judge of the High Court on appeal from a Commissioner of the High Court, to a Commissioner of the High Court.

- (6) A copy of every application under this section shall, either before or immediately after the application is lodged in the office of the High Court, be served on the probation officer or, as the case may require, the probationer.
- (7) Where any application is made under this section for the remission, suspension or variation of any condition imposed on a probationer under paragraphs (c) to (i) of subsection (1) of section 8 of this Act, the probation officer may in his discretion suspend the condition until the application has been heard and disposed of.

- (8) Any application under this section may, in the discretion of the High Court be heard either in open Court or in Chambers, and the provisions of section 25 of this Act shall apply with all necessary modifications.
- (9) Notice of any order made under this section shall be given by the Registrar of the High Court to the Secretary for Justice.

10. Breach of conditions of probation - (1) Every probationer commits an offence, and is liable to imprisonment for a term not

exceeding three months or to a fine not exceeding forty dollars, who contravenes or fails to comply with any condition of his probation.

(2) Where any probationer is convicted under this section, the High Court may, in addition to or instead of sentencing the offender under subsection (1) of this section, do all or any of the following things, namely:

- (a) Extend the term of probation by any specified period expiring not later than three years after the date on which that term began;
- (b) Vary any condition of the probation imposed by the High Court under this Part of this Act:

(c) Impose any additional condition.

(3) Notice of any order made under this section shall be given by the Registrar of the High Court to the Secretary for Justice.

(4) Where any probation officer or any constable believes on reasonable grounds that any probationer has committed a breach of a condition of his probation, he may arrest the probationer without warrant.

**11. Sentence for original offence - (1)** Whenever any probationer including a probationer who, in addition to being released on probation, was also sentenced to pay a fine is convicted of an offence committed during the period of probation, any probation officer may apply to the High Court to sentence him for the offence for which he was released on probation.

(2) Notice of every application made by a probation officer under this section shall be served on the probationer: Provided that whenever an offender is charged under section 10 of this Act, any probation officer may if he thinks fit give notice to the probationer that if he is convicted of the charge under that section the High Court will then be asked to sentence him for the original offence; and in any such case it shall not be necessary for any subsequent notice to be served on the probationer.

(3) Any application under this section shall be made to a Judge of the High Court if the offender was released on probation by a Judge of the High Court, or the Supreme Court of New Zealand on appeal from the High Court, and to a Commissioner of the High Court if the offender was released on probation by a Commissioner of the High Court, or by a Judge of the High Court on appeal from a Commissioner of the High Court. If the application is dealt with by a Judge or Commissioner other than the Judge or Commissioner who released the offender on probation, the Judge or Commissioner shall before sentencing the offender, make such enquiries as to the circumstances of the case as he considers reasonable, and may if he thinks fit hear such evidence as is relevant thereto.

(4) The Judge or Commissioner by whom an application is heard under this section may if he thinks fit deal with the offender for the offence for which he was released on probation in any way, other than by again releasing him on probation and, in any case where he was also sentenced to pay a fine, other than by sentencing him to pay a further fine, in which a Judge or Commissioner could have dealt with him if the offender had just been convicted of that offence. If the offender is not sentenced or otherwise dealt with for that offence he shall continue to be on probation.

**12. Effect of subsequent sentence on probation - (1)** Where any person released on probation under this Part of this Act is

sentenced in respect of any offence to imprisonment for life or for a term of one year or more, the probation shall be deemed to be terminated.

(2) Where any person released on probation under this Part of this Act is sentenced in respect of any offence to imprisonment for less than one year, the term of his probation shall continue to run while he is detained under the sentence, and on his release from detention he shall continue to be on probation for the then unexpired residue of that term, unless he is sooner discharged from probation under this Part of this Act.

13. Discharge on expiry of probation - Every probationer shall at the expiry of the term of his probation be deemed to be discharged in respect of the offence for which he was released on probation, as if he had been sentenced and had served the term of his sentence.

#### PART II - PAROLE BOARD

14. Parole Board - (1) For the purposes of this Act, there shall be a Board, to be called the Parole Board, which shall consist of not less than three nor more than five members, being -  
 (a) A Judge of the High Court who shall be appointed on the recommendation of the Minister and shall be the Chairman:  
 (b) The Secretary for Justice:  
 (c) Not less than one nor more than three other members, who shall be appointed on the recommendation of the Minister.

(2) Every member of the Parole Board, other than the Secretary for Justice, shall be appointed by the High Commissioner for a term of three years, but may from time to time be reappointed, or may at any time be removed from office by the High Commissioner for disability, or may at any time resign his office by writing addressed to the Minister.

(3) Every member of the Parole Board appointed under paragraph (c) of subsection (1) of this section may at any time be removed from office by the High Commissioner for neglect of duty or misconduct proved to the satisfaction of the High Commissioner.

(4) The High Commissioner may from time to time appoint any person to act temporarily as a member of the Parole Board while any member is incapacitated by illness, absence from the Cook Islands, or other sufficient cause from performing the duties of his office, or, except in the case of the member under paragraph (b) of subsection (1) of this section, during the absence of any member from any place at which a meeting of the Board is to be held.

(5) No appointment of a temporary member and no acts done by him as such, and no acts done by the Board while any temporary member is acting as such, shall in any proceedings be questioned on the ground that the occasion for any such appointment had not arisen or had ceased, or on the ground that any permanent member of the Board acted as such while a temporary member appointed in his place remained in office.

(6) In the absence of the Secretary for Justice from any meeting of the Parole Board, he may authorise any other officer or any former officer of the Department of Justice to attend the meeting in his stead, and, while any such officer or former officer is attending any meeting under this subsection, he shall be deemed for all purposes to be a member of the Board. The fact that any such officer or former officer attends and acts as a member of the Board at any such meeting shall be conclusive proof of his authority to do so.

(7) There shall be paid out of money appropriated by the Legislative Assembly for the purpose to the members of the Parole Board remuneration by way of fees, salary, or allowances and travelling allowances or expenses.

**15. Jurisdiction of Parole Board** - The Parole Board shall have jurisdiction in respect of persons undergoing sentences of imprisonment and of persons released on probation under this Part of this Act after serving any such sentence.

**16. Meetings and procedure of Parole Board** - (1) Meetings of the Parole Board shall be held at such times and places as the Board or the Chairman appoints.

(2) At any meeting of the Parole Board three members shall form a quorum.

(3) Subject to the provisions of this Act and of any regulations thereunder, the Parole Board may regulate its procedure in such manner as it thinks fit.

**17. Functions of Parole Board** - (1) The functions of the Parole Board shall be -

- (a) To make recommendations to the Minister as to the release of any offender undergoing imprisonment for life, and as to the release of any offender undergoing imprisonment whose case the Board is requested to consider under subsection (5) of this section:
- (b) To make recommendations to the Minister as to the discharge from probation of any offender who is on probation under this Part of this Act after undergoing imprisonment:
- (c) To make recommendations to the Minister as to the remission, suspension, or variation of any condition of the probation of any offender who is on probation under this Part of this Act after undergoing imprisonment, or as to the imposition on any such offender of any additional condition of probation:
- (d) To report to the Minister from time to time, when requested by him to do so, on any matter relating to any recommendation made under this section.

(2) Subject to the provisions of this section, the Parole Board, for the purpose of carrying out its functions, shall consider the cases of offenders in the following manner:

- (a) In the case of every offender undergoing imprisonment for life consequent upon his conviction for murder, as soon as may be practicable after the expiry of ten years from the date of his reception in the prison, and at least once in every period of twelve months thereafter:
- (b) In the case of every other offender undergoing imprisonment for life, as soon as may be practicable after the expiry of five years from the date of his reception in the prison, and at least one in every period of twelve months thereafter.

(3) After any offender has become entitled to have his case considered for the first time under subsection (2) of this section, he may from time to time apply to the Parole Board for the further consideration of his case:

Provided that no application under this subsection shall be made to the Board at any time within six months after the making of a previous application under this subsection.

(4) Every offender who is entitled to have his case considered under subsection (2) of this section shall be given an opportunity of appearing before the Parole Board and stating

his case in person at least once in every year, and for that purpose the Parole Board shall from time to time visit every prison where there are offenders undergoing imprisonment for life or shall have the offender brought before it.

(5) Any member of the Parole Board may at any time request the Board to consider any case, including the case of any offender who is undergoing imprisonment for any term, and on any such request the Board shall consider that case at its next meeting.

(6) In considering any case under this section, the Board shall have regard to -

- (a) The safety of the public, and of any person or any class or classes of persons who may be affected by the release of the offender:
  - (b) The welfare of the offender and his reformation and training in the prison in which he is detained:
  - (c) The class of sentence imposed by the Court and the term of sentence:
  - (d) Any recommendation made by the Superintendent of the prison:
  - (e) Any representation made by the offender.
- (7) Where the Parole Board recommends the release of any offender it may recommend that the release be subject to such special conditions as it thinks fit.
- (8) Not later than the thirty-first day of March in every year the Parole Board shall send to the Minister a report on its proceedings during the year ended on the thirty-first day of December preceding the making of the report.

18. Release or discharge of offender - (1) Where the Parole Board recommends the release of any person or his discharge from probation, the Minister, if he thinks fit, may direct the release of that person subject to such special conditions as the Minister thinks fit, and to the provisions of this Part of this Act, or, as the case may require, may direct the discharge of that person from probation.

(2) A direction given by the Minister for the release of any offender may be revoked by the Minister at any time before the offender is released.

19. Released offender to be on probation - (1) Subject to the provisions of this Part of this Act, where any offender who is detained under a sentence of imprisonment of one year or more, not being imprisonment for life, is released from detention under the provisions of this Part of this Act before the expiry of the maximum term for which he is liable to be detained under the sentence, he shall be on probation from the time of his release until the expiry of the term of his sentence, or for one year if the unexpired part of that term is less than a year.

(2) Subject to the provisions of this Part, where any offender detained under a sentence of imprisonment for life is released from detention under the provisions of this Part he shall be on probation, from the time of his release, for the rest of his life.

(3) Subject to the provisions of this Part, where any offender detained under a sentence of imprisonment of one year or more, is released from detention at the expiry of the maximum term for which he is liable to be detained under the sentence, he shall be on probation for one year from the time of his release.

(4) This section shall apply to any such release as aforesaid, whether it is for the first time or after any recall of the offender under this Part of this Act.

(5) For the purposes of this section, cumulative terms of imprisonment shall be deemed to be one term.

**20. Recall of offender released on probation before expiry of sentence -** (1) Whenever any offender detained under a sentence of imprisonment for life is released from detention under this Part of this Act, the Minister may, at any time while the offender is on probation, direct that the offender be recalled. On the giving of the direction, the probation shall be deemed to be cancelled, and the offender may be arrested without warrant by any constable, and shall continue to serve his sentence unless he is again released on the recommendation of the Parole Board under this Part of this Act or is released or discharged pursuant to any other enactment.

(2) Whenever any offender detained under a sentence of imprisonment of one year or more, not being imprisonment for life, is released from detention under this Part of this Act or before the expiry of the term of his sentence, a Judge of the High Court, at any time before the expiry of that term and while the offender is still on probation, on the application of the probation officer, may direct that the offender be recalled. On the giving of the direction the probation shall be deemed to be cancelled, and the offender shall be detained and shall serve the then unexpired part of his sentence, unless he is again released on the recommendation of the Parole Board under this Part of this Act or is released or discharged pursuant to any other enactment.

(3) The powers conferred by this section may be exercised on such grounds as the Minister or, as the case may be, the Judge thinks fit, and whether or not the offender has committed a breach of the conditions of his probation.

(4) On any application to a Judge under this section, the offender shall be entitled to be heard and may be represented by a solicitor, counsel, or agent.

(5) Any such application may be dealt with in Chambers.

(6) Any probation officer or any constable may arrest any such offender without warrant for the purpose of taking him before a Judge to be dealt with in accordance with this section.

(7) Where a Judge directs the recall of any offender under this section, he may issue a warrant in the prescribed form directing that the offender be returned to a prison or other institution in which he may be lawfully detained.

#### **21. Term of probation to be deemed part of sentence -**

(1) Whenever any person detained under any sentence is released on probation before the expiry of the sentence, the term of the sentence shall continue to run while he is on probation as if he were still serving the sentence; and the date of expiry of the sentence shall be determined accordingly.

(2) The fact that any probationer under this Part of this Act is sentenced to imprisonment shall not be deemed to extend the term of his probation.

#### **22. Conditions of probation and discharge therefrom -**

(1) Whenever any offender is released on probation under this Part of this Act, the conditions set out in section 7 of this Act, except paragraph (a) of that section, shall apply, in addition to any special conditions imposed under this Part.

(2) In addition to the conditions specified in subsection (1) of this section, every release on probation under this Part of this Act shall be subject to the condition that the probationer shall report -

(a) To the probation officer at the place stated in the probationary licence within twenty-four hours after the arrival of the probationer in that place; or

(b) Where he does not proceed direct to that place immediately after his release on probation, to some other probation officer within forty-eight hours after his release on probation.

(3) There shall be issued to the probationer a probationary licence setting out the conditions subject to which he has been released.

(4) Every probationer under this Part of this Act shall be under the supervision of a probation officer in whose district he resides for the time being, or of such other probation officer as the Secretary for Justice may from time to time direct.

(5) Any probationer under this Part of this Act may at any time apply to the Parole Board for the remission, suspension, or variation of any condition imposed by or under this Part of this Act.

(6) Any probationer under this Part of this Act may apply to the Parole Board for his discharge from probation -  
 (a) If he is under sentence of imprisonment for life, at any time after the expiry of three years from the time of his release on probation:

(b) In any other case, at any time after the expiry of half the term of his probation.

(7) Any probation officer may at any time apply to the Parole Board -

- (a) For the remission, suspension, or variation of any condition imposed on any probationer by or under this Part of this Act:
- (b) For the discharge from probation of any probationer:
- (c) For the imposition of any additional condition in respect of any probationer.

(8) On any such application the Parole Board may make to the Minister such recommendation as it thinks fit; and thereupon the Minister may give such directions as he thinks fit:

(9) Where under this section the Minister directs the discharge from probation of any probationer the probation shall expire on such date as may be specified in the direction, and on that date his sentence, if still in force, shall expire.

(10) Where any application is made under this section for the remission, suspension, or variation of any special condition, the probation officer may in his direction suspend the condition until the application has been heard and disposed of.

(11) Notice of any direction given by the Minister under this section shall be given by the Secretary for Justice to the probation officer.

**23. Breach of conditions of probation -** (1) Every probationer under this Part of this Act who contravenes or fails to comply with any condition of his probation commits an offence and is liable to imprisonment for a term not exceeding three months, or to a fine not exceeding forty dollars.

(2) Where any probation officer or any constable believes on reasonable and probable grounds that any probationer under this Part of this Act has committed a breach of a condition of his probation, he may arrest the probationer without warrant.

(3) The conviction and sentencing of any probationer under this section shall not limit the power of recall conferred by this Part.

### PART III - MISCELLANEOUS

**24. Power of High Court to discharge offender without conviction or sentence -** (1) Where any person is accused of any offence, the High Court, after inquiry into the circumstances of the case, may in its discretion discharge that person without convicting him, unless by any enactment applicable to the offence a minimum penalty is expressly provided for.

- (2) A discharge under this section shall be deemed to be an acquittal.
- (3) The High Court discharging any person under this section may, if it is satisfied that the charge is proved against him, make any order for the payment of costs, damages, or compensation, or for the restitution of any property, that it could have made under any enactment applicable to the offence with which he is charged if it had convicted and sentenced him, and the provisions of every such enactment shall apply accordingly.
- (4) Nothing in this section shall affect the power of the High Court to convict and discharge any person.

**25. High Court may prohibit publication of names -** (1) Except as otherwise expressly provided in any enactment, the High Court may in its discretion prohibit the publication, in any report relating to any proceedings in respect of any offence, of the name of the person accused or convicted of the offence, or the name of any other person connected with the proceedings:

Provided that the High Court shall not prohibit the publication of the name of the person accused or convicted of the offence if that person has been previously convicted of any offence punishable by imprisonment.

(2) Where the publication of any person's name is prohibited under this section, it shall not be lawful to publish that person's name, or any name or particulars likely to lead to the identification of that person.

(3) Every person commits an offence and is liable to a fine not exceeding one hundred dollars who acts in contravention of subsection (2) of this section.

**26. Power of adjournment for inquiries as to suitable punishment -** (1) The High Court may from time to time adjourn the proceedings in any case against any offender after he has been convicted and before he has been sentenced or otherwise dealt with, for the purpose of enabling inquiries to be made or of determining the most suitable method of dealing with his case.

(2) Where any case is adjourned for the purposes of this section any Judge, Commissioner, or Justice having jurisdiction to deal with offences of the same kind, whether or not he is the Judge, Commissioner, or Justice before whom the case was heard may, after inquiry into the circumstances of the case, sentence or otherwise deal with the offender for the offence to which the adjournment relates.

**27. Warrant of commitment where punishment is imprisonment -** (1) Where the High Court passes any sentence of imprisonment, a warrant shall be issued stating briefly the particulars of the offence and directing the detention of the offender in accordance with the sentence.

(2) Where the sentence is imposed by a Judge of the High Court any Judge may sign the warrant.

(3) Where the sentence is imposed by a Commissioner of the High Court any Commissioner may sign the warrant.

(4) Any warrant issued under this section may be issued in respect of any number of sentences imposed on the offender at the same sitting of the High Court.

**28. Royal prerogative not affected -** Nothing in this Act shall be construed to limit or affect in any way the Royal prerogative of mercy.

**29. Pardon and remission of sentence not affected -** Nothing in this Act shall be construed to limit or affect in any way the provisions of section 314B of the Cook Islands Act 1915 as to pardon and remission of sentence.

30. Regulations - (1) The High Commissioner may from time to time, by Order in Executive Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Regulations made under this section may prescribe for offences against the regulations punishable by a term of imprisonment not exceeding three months or a fine not exceeding one hundred dollars or both.

(3) All regulations made under this section shall be laid before the Legislative Assembly within twenty-eight days after the date of the making thereof if the Legislative Assembly is then in session, and, if not, shall be laid before the Legislative Assembly within twenty-eight days after the date of the commencement of the next ensuing session.

31. Transitory provisions as to existing sentences -

(1) Where at the commencement of this Act any person under sentence of imprisonment is detained under the sentence the provisions of Part II of this Act so far as they are applicable and with the necessary modifications, shall apply to that person.

(2) In the application of the said Part II for the purposes of subsection (1) of this section the term of any sentence of imprisonment imposed on any such person shall continue to run while that person is on probation under the said Part II, and the date of expiry of the sentence shall be determined accordingly.

32. Act subject to other provisions - The provisions of this Act shall be subject to the provisions of section 275 of the Cook Islands Act 1915 relating to the transfer of convicted persons to New Zealand, and the provisions of section 275A of the Cook Islands Act 1915 (as inserted by section 7 of the Cook Islands Amendment Act 1962) relating to the release of prisoners transferred to New Zealand.

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