



ANALYSIS

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1998, No. 10

An Act to amend the Criminal Procedure Act 1980-81

(31 August 1998)

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

1. Short Title and commencement – (1) This Act may be cited as the Criminal Procedure Amendment Act 1998 and shall be read together with and deemed part of the Criminal Procedure Act 1980-81 (hereinafter referred to as “the principal Act”).

(2) This Act shall be deemed to have come into force on the 1st day of July 1998.

2. Withdrawal of information by informant – Section 46(1) of the principal Act is amended by inserting after the word “Court” and before the word “be” the words “or Registrar”.

3. Amendment of information – Section 47 of the principal Act is amended by inserting after subsection (1), the following new subsection:

“(1A). The Registrar may amend the information in any way at any time before the defendant enters a plea to the information under section 61 of this Act.”

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4. Pleas on defendant being charged – Section 61 of the principal Act is amended by –

(a) inserting after subsection (1), the following new subsection -

“(1A) Before any charge is gone into, the defendant may be called before the Registrar by name and the charge shall be read to the defendant and when the Registrar is satisfied that the defendant understands it, the defendant shall be asked how he pleads.”;

(b) inserting in subclause (3), after the word “Court” and before the word “may” the words “or the Registrar.”;

(c) inserting after subsection (4), the following new subsection -

“(4A) Where a plea of guilty is entered by the Registrar under subsection (1A) of this section and the Registrar is satisfied that the defendant understands the nature and consequences of his plea, the Registrar shall adjourn the charge to another date for the Court to deal with him in any manner authorised by law.”

5. Adjournment by Registrar – The principal Act is amended by inserting after section 79, the following new section -

“79A. Adjournment by Registrar - (1) The Registrar may, upon application, adjourn the hearing of any charge to a time and place then appointed where –

(a) The defendant has been granted bail; and

(b) The application is made before the commencement of the hearing.

(2) Where an adjournment is granted under subsection (1) of this section, the present conditions of bail (if any) shall, subject to section 88 of this Act, continue to the adjourned date of hearing.”

6. Bail – Section 83 of the principal Act is amended by inserting after subsection (3), the following new subsection -

“(3A). The Registrar may, upon application, grant bail under subsections (1), (2) and (3) of this section.”

7. Variation of conditions of bail – Section 88 of the principal Act is amended by inserting after subsection (1), the following subsection:

“(1A). Where the defendant is granted bail by the Registrar, the Registrar may, on the application of the defendant and where the terms and conditions were set by the Registrar, make an order –

- (a) varying or revoking the terms or conditions of bail;
- (b) varying or revoking the terms or conditions of any bail-bond entered into or to be entered into.”

This Act is administered by the Ministry of Justice.