

CRIMINAL PROCEDURE (AMENDMENT) BILL 2004

**COMMITTEE STAGE**

Amendments to be moved by the Secretary for Security

<u>Clause</u>	<u>Amendment Proposed</u>
1	(a) In the heading, by deleting " <b>and commencement</b> ".  (b) By deleting subclause (2).
2	(a) In the proposed section 67C -  (i) in subsection (1), by deleting  "Within 6 months after the  commencement of this section" and  substituting "As soon as practicable after the commencement of this section and in any event within 6 months after such commencement";  (ii) by adding -  "(1A) If, within 6 months after the commencement of this section, the Secretary for Justice does not make any application in respect of any prescribed prisoner under subsection (1), the prescribed prisoner may also apply to the

court for a determination by a  
judge under this section.";

(iii) in subsection (2), by adding "or  
(1A)" after "(1)";

(iv) in subsection (3) -

(A) by deleting "Subject to  
subsection (4), where" and  
substituting "Where";

(B) by deleting "the prescribed  
prisoner was under 18 years of  
age" and substituting "he was  
under 18 years of age, then,  
subject to the consent of the  
prescribed prisoner to the  
application of this subsection  
to him";

(v) by deleting subsection (4);

(vi) by deleting subsection (5) and  
substituting -

"(5) In making a  
determination under this  
section -

(a) subject to  
paragraph (b),  
the judge may

take into account  
any material  
submitted to him  
by the Secretary  
for Justice or  
the prescribed  
prisoner that is,  
in his opinion,  
relevant to the  
determination;  
and

(b) the judge must  
not take into  
account the  
previous  
recommendation or  
the previous  
determination."

(b) In the proposed section 67D -

- (i) in the heading, by deleting "(1)";
- (ii) by deleting subsection (1);
- (iii) in subsection (2) -
  - (A) by deleting "under section  
67C(1) or subsection (1)" and  
substituting "or a prescribed

prisoner under section 67C(1) or  
(1A)";

(B) in paragraph (b) -

(I) by adding after "signed" -

"-

(i) in the case  
of an  
application  
under  
section  
67C(1),";

(II) by deleting the full stop  
at the end and  
substituting -

"; or

(ii) in the case of an  
application under  
section 67C(1A),  
by the prescribed  
prisoner.";

(iv) by adding -

"(2A) No charge is to be  
payable for any application  
under section 67C(1) or (1A).

(2B) As soon as practicable

after the Secretary for Justice has made an application in respect of a prescribed prisoner under section 67C(1), the Secretary for Justice must serve a copy of the application on the prescribed prisoner.";

(v) in subsection (3) -

(A) by adding "or (1A)" after "67C(1)";

(B) by deleting "by the Secretary for Justice to him in that behalf, deliver to the Secretary for Justice" and substituting "to him by the Secretary for Justice or the prescribed prisoner, as the case may be, as the person by whom the application is to be made, deliver to the Secretary for Justice or the prescribed prisoner, as the case may be";

(C) in paragraph (a), by deleting everything after ", of the" and substituting "proceedings

relating to the relevant  
sentence; and";

(vi) by adding -

"(3A) Where an application  
has been made in respect of a  
prescribed prisoner under section  
67C(1) or (1A), the Secretary for  
Justice or the prescribed  
prisoner may apply to a judge  
for -

- (a) a copy of the  
record, if  
available, of the  
proceedings  
concerning the  
prescribed  
prisoner (whether  
relating to the  
relevant offence  
or the relevant  
sentence) or any  
part or parts of  
the record; and
- (b) a copy of any  
document in the

possession of the  
Registrar,

and if the judge is satisfied  
that it is necessary and  
practicable to do so, the judge  
must direct the Registrar to  
deliver the copy to both the  
Secretary for Justice and the  
prescribed prisoner.";

(vii) in subsection (4) -

(A) by adding "or (1A)" after  
"67C(1)";

(B) by deleting "subsection (1)" and  
substituting "subsection (3A)".

(c) In the proposed section 67E(b), by deleting  
"instituted under section 67C in relation to  
the prescribed prisoner" and substituting  
"relating to the prescribed prisoner under  
section 67C".

(d) In the proposed section 67G(1), in the  
definition of "relevant provisions", in  
paragraphs (a) and (b), by adding "originally"  
after "as".

relation to him".

4

In the proposed rule 4(1)(ca), by deleting "in  
relation to him".