

## PERIODIC DETENTION OF PRISONERS FURTHER AMENDMENT BILL

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Schedule of the amendment referred to in the Legislative Council's Message of 1 December 1998.

Page 6, Schedule 1, lines 11-22. Omit all words on those lines. Insert instead:

**25C Minimum and additional terms of imprisonment may be set for existing periodic detainees whose orders for periodic detention are cancelled by Parole Board**

- (1) This clause applies to a sentence of imprisonment that is being served by way of periodic detention where the sentence was imposed before the commencement of this clause.
  - (2) If the Parole Board cancels an order for periodic detention with respect to a sentence of imprisonment to which this clause applies, the Parole Board, in its discretion, may:
    - (a) direct that any unexpired portion of the sentence to which the order applied (within the meaning of section 27) is taken to consist of a minimum term and an additional term set under Part 2 of the Sentencing Act 1989, and
    - (b) make a parole order in accordance with section 24 of the Sentencing Act 1989,or, on the application of the Commissioner, may make such other orders as the Parole Board considers appropriate.
  - (3) Any such minimum and additional term and parole order have the same effect as if they had been respectively set and made under the Sentencing Act 1989.
  - (4) The functions of the Parole Board under this clause are to be exercised:
    - (a) at a meeting convened in accordance with section 25AB (1) to reconsider the cancellation of the order, or
    - (b) if the Secretary of the Parole Board is not notified that the periodic detainee intends to make representations to the Parole Board in connection with the cancellation of the order, at a meeting convened on, or as soon as practicable after, the date fixed for the purposes of section 25AA (2) (a).
  - (5) On setting a minimum term and an additional term for a sentence of imprisonment, the Parole Board is to issue a new warrant under section 26 (1A), being a warrant that specifies the minimum and additional terms so set, to replace the warrant issued under that subsection when the relevant order for periodic detention was cancelled.
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