

FIRST PRINT

CRIMES (POWERS OF ARREST) AMENDMENT BILL, 1985

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Prisons (Amendment) Bill, 1985.

The object of this Bill is to amend the Crimes Act, 1900, so as to enable a constable to arrest, without warrant, a person whom the constable suspects of being a "prisoner unlawfully at large" and to take the person before a Magistrate for committal to prison (clause 2—proposed section 352AA).

The expression "prisoner unlawfully at large" describes a person who is at large (whether by reason of having escaped from lawful custody or otherwise) at a time when the person is required by law to be in custody in prison.



CRIMES (POWERS OF ARREST) AMENDMENT BILL, 1985

No. , 1985.

A BILL FOR

An Act to amend the Crimes Act, 1900, with respect to the arrest of
prisoners unlawfully at large.

Crimes (Powers of Arrest) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 Short title.

1. This Act may be cited as the "Crimes (Powers of Arrest) Amendment Act, 1985".

Amendment of Act No. 40, 1900.

2. The Crimes Act, 1900, is amended by inserting after section 352 the following section:—

Arrest of prisoners unlawfully at large.

352AA. (1) Any constable may, without warrant, apprehend any person whom the constable, with reasonable cause, suspects of being a prisoner unlawfully at large and take the person before—

- 15 (a) a Magistrate; or
 (b) a Justice employed in the Local Courts Administration,
 Attorney General's Department,

20 who may, by warrant, commit the person to prison, there to be kept in custody under the same authority, and subject to the same conditions and with the benefit of the same privileges and entitlements, as would have applied in respect of the person had the person not been at large.

25 (2) A reference in subsection (1) to a prisoner unlawfully at large is a reference to a person who is at large (whether by reason of having escaped from lawful custody or otherwise) at a time when the person is required by law to be in custody in prison.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

**CRIMES (POWERS OF ARREST) AMENDMENT ACT,
1985, No. 27**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

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Act No. 27, 1985.

An Act to amend the Crimes Act, 1900, with respect to the arrest of prisoners unlawfully at large. [Assented to, 22nd April, 1985.]

Crimes (Powers of Arrest) Amendment 1985

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Crimes (Powers of Arrest) Amendment Act, 1985".

Amendment of Act No. 40, 1900.

2. The Crimes Act, 1900, is amended by inserting after section 352 the following section:—

Arrest of prisoners unlawfully at large.

352AA. (1) Any constable may, without warrant, apprehend any person whom the constable, with reasonable cause, suspects of being a prisoner unlawfully at large and take the person before—

(a) a Magistrate; or

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who may, by warrant, commit the person to prison, there to be kept in custody under the same authority, and subject to the same conditions and with the benefit of the same privileges and entitlements, as would have applied in respect of the person had the person not been at large.

(2) A reference in subsection (1) to a prisoner unlawfully at large is a reference to a person who is at large (whether by reason of having escaped from lawful custody or otherwise) at a time when the person is required by law to be in custody in prison.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 22nd April, 1985.*