

# CRIMINAL LAW CONSOLIDATION ORDINANCE (No. 2) 1968

367

No. 67 of 1968

An Ordinance

to amend *The Criminal Law Consolidation Act and Ordinance 1876 to 1960*, as amended by the *Criminal Law Amendment Ordinance 1964* and the *Criminal Law Consolidation Ordinance 1968*

[Assented to 1 October, 1968]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act 1910-1968*, as follows:—

1.—(1.) This Ordinance may be cited as the *Criminal Law Consolidation Ordinance (No. 2) 1968*. Short title and citation

(2.) *The Criminal Law Consolidation Act and Ordinance 1876 to 1960*, as amended by the *Criminal Law Amendment Ordinance 1964* and the *Criminal Law Consolidation Ordinance 1968*, is in this Ordinance referred to as the Principal Statute.

(3.) Section 1 of the *Criminal Law Consolidation Ordinance 1968* is amended by omitting sub-section (3.).

(4.) The Principal Statute, as amended by this Ordinance, may be cited as *The Criminal Law Consolidation Act and Ordinance 1876 to 1968*.

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.\* Commencement

3. Section 6 of the Principal Statute is amended by omitting sub-section (1.) and inserting in its stead the following sub-sections:— Sentence for murder

“(1.) Subject to this section, where a person is convicted of murder, the Judge of the Court before which the person is convicted, may pronounce sentence of death or may direct that that sentence be recorded.

“(1A.) Where the Judge directs that the sentence of death be recorded, the sentence has the same effect in law as if it had been pronounced in open Court.

“(1B.) Where a time for the execution is not expressed in the sentence, the execution shall, subject to sub-section (2.) of

The date fixed was 30 October, 1968 (see *Northern Territory Government Gazette* No. 47 of 30 October, 1968, page 304).

this section, take place on the twenty-eighth day after the day on which the sentence was pronounced.

“(1c.) Where an aboriginal is convicted of murder, the Judge may, in lieu of pronouncing or recording sentence of death, impose such penalty as, having regard to all the circumstances of the case, appears to him to be just and proper.”.

Piracy and  
attempt to  
murder

4. Section 227 of the Principal Statute is amended by omitting the words “shall suffer death as a felon” and inserting in their stead the words “shall be liable to be imprisoned for life, with hard labour”.

Warrant by  
Judge of  
Supreme Court,  
and proceedings  
thereon

5. Section 364 of the Principal Statute is amended by omitting the words “not being treason,”.

Jury shall not  
inquire of  
prisoner's land,  
&c., nor whether  
he fled

6. Section 371 of the Principal Statute is amended by omitting the words “treason or” (twice occurring).

When prisoner  
reprieved without  
judgment of death  
given against him,  
such judgment  
may be given at  
any time  
thereafter by  
Judge of Gaol  
Delivery

7. Section 384 of the Principal Statute is amended by omitting the words “treason or”.

Repeal of  
section 385

8. Section 385 of the Principal Statute is repealed.

Repeal of  
section 386

9. Section 386 of the Principal Statute is repealed.

Questions of  
law may be  
reserved for  
consideration  
of Judges

10. Section 397 of the Principal Statute is amended by omitting the word “treason,”.

Application of  
Ordinance

11. Where a person is convicted, on or after the date of commencement of this Ordinance, of an offence provided for in section 227 of the Principal Statute, the person is liable to the penalty provided for that offence by the Principal Statute as amended by this Ordinance whether the offence was committed before, or is committed on or after, that date.

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